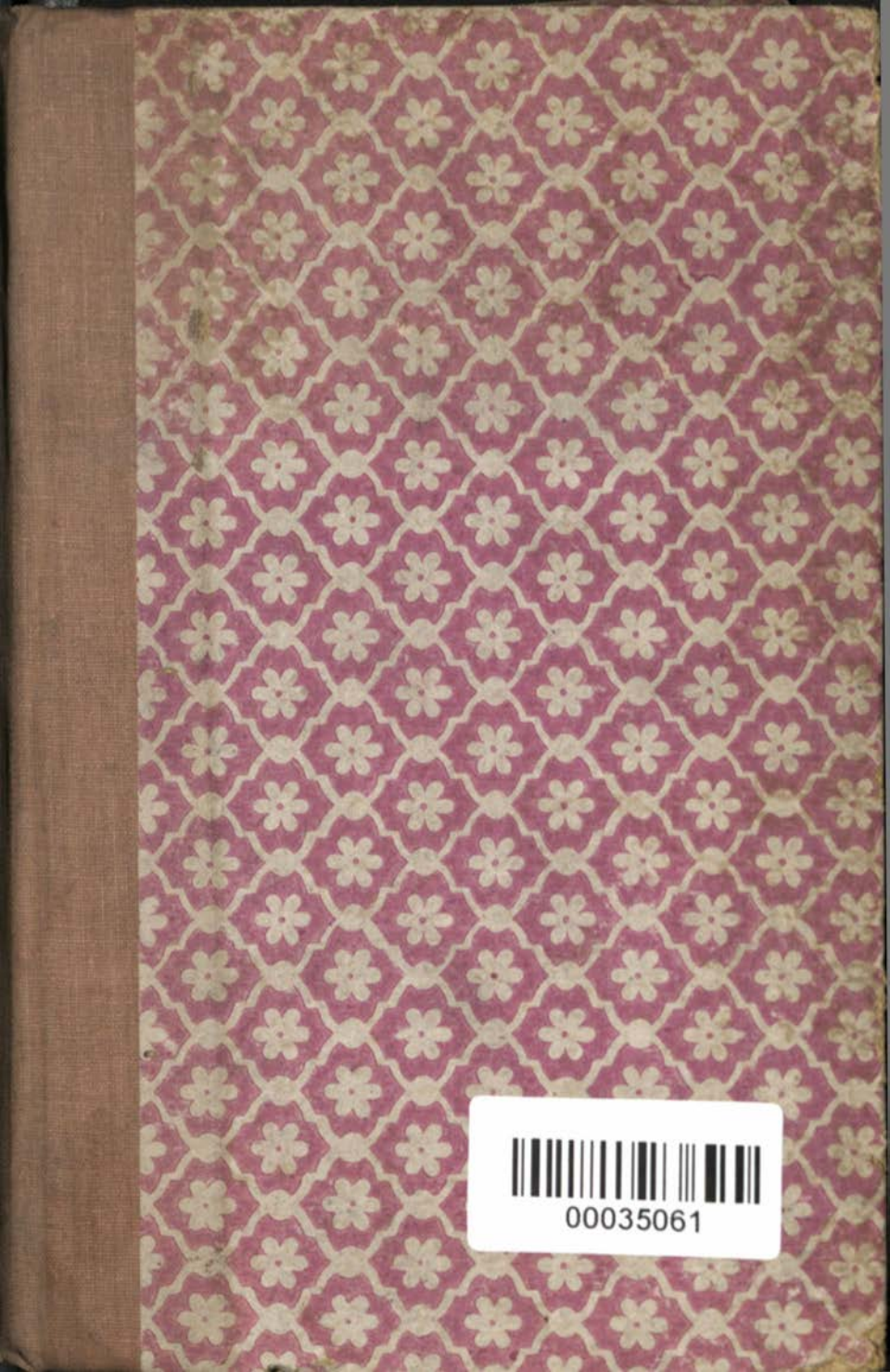
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HISTORY

OF

ENGLAND AND FRANCE

UNDER THE

HOUSE OF LANCASTER;

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WITH AN

INTRODUCTORY VIEW OF THE

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History of England as France under the Lancaster

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PREFACE.

The period to which this work relates is one of great interest in the history both of England and of France. The events recorded, and the characters of those by whom they were brought about, deserve to be closely examined. Nor are the judgments which may be pronounced upon them confined in their bearing to those remote times; they are of more general application. A careful consideration of the events may teach us how a great country may be brought to the verge of ruin by the follies and the crimes of faction; a dispassionate contemplation of the characters may show how little genius crowned with success is entitled to the admiration of reflecting minds when allied to cruelty and fraud. It has oftentimes been laid to the charge of authors that they encourage, when they should restrain, the propensity of the multitude, dazzled by the glories of war, to pass over the guilt of conquerors, the enemies of the human race. A sounder view, however, is not to be inculcated by passing over the talents of those men, and only dwelling on their faults. The historian must above all things be calm and impartial. Forbidden to extenuate crimes, he is alike forbidden to

conceal merits, though never allowed to regard the one as a compensation for the other. His conclusions are neither to be attack nor defence, invective nor panegyric; he is rather a judge than an advocate; on no account must he be a partisan.

It is to be feared that, facts being closely followed and opinions plainly expressed, this work can find little favour either with the French or the English reader. Yet the time will come when those who have been most enamoured of warlike renown shall regard unjust aggression as not more wicked than it is disgraceful; and when they to whose ambition the independence or the freedom of their country has been sacrificed, shall no longer, to the lasting injury of mankind, be revered as its benefactors, but regarded only as criminals upon a large scale.

Nearly the whole of this work was written a considerable time ago. It is indeed above five years since the first portion of it was printed.

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ENGLAND AND FRANCE

UNDER THE

HOUSE OF LANCASTER,

INTRODUCTION.

THE REFORMATION.

THE origin of the Reformation, certainly in England, probably in Europe also,[1] may be traced to the times of which we are about to treat. The foundations of this great change were laid in the two preceding reigns, but the earliest, and, if justly considered, the most important, passages of Henry the Fifth's life were intimately connected with it; and, in order to form an estimate of his individual merits, as well as to comprehend fully the history of his age, we must in the first place endeavour to obtain an accurate view of that important event. This, however, is rendered extremely difficult, by the mutual animosity of the contending parties, which spreads its influence over the writings of the time, and still more by the cir-

[1] Note I.

cumstance that the authors whom we must consult belong for the most part to the Lancastrian party as well as to the Romish church; while the very few who take the opposite side not only are of a much later date, but seem to make up for their scanty numbers and their obscure station by an abundant acrimony against the ecclesiastical establishment. Nevertheless, the attempt must be made to ascertain the truth by comparing and balancing probabilities, when testimony fails to command our belief, or we have not the means of bringing its credit to a satisfactory test through the help of original records — the safest guides of the historical inquirer.

In the last years of Edward the Third's reign, the attention of men was drawn to a body of priests, who, with their lay followers, formed a new sect, under the teaching and the guidance of Dr. John Wycliffe. This remarkable person was born about the year 1324, in a parish of the same name in Yorkshire, upon a manor which had belonged to his family ever since the Conquest.[1] Educated at Oxford, he had there acquired in an ample measure the learning of the times, had become a profound theologian, and displayed an extraordinary capacity for the subtleties, metaphysical as well as religious, of scholastic controversy. In these talents and accomplishments he is confessed by his most implacable adversaries, the clerical impugners of his doctrines, to have had no superior, if he had any

1377-8.

[1] Leland's Itinerary, v. 99. Collect., ii. 319.

equal;[1] and his life was allowed by all to be as pure as his endowments were eminent.

The reputation which he gained at the University was proportionate to these great merits. He soon obtained a fellowship at Merton, which, after leaving Queen's, he had made his college, and which was at that time the residence of many learned men; among others of William Ockham, called the *singular* or *invincible doctor*, and Thomas Bradwardine, the *profound doctor*. Wycliffe himself, having early devoted his attention in a peculiar manner to the study of the Scriptures, was termed the *evangelical* or *gospel doctor*, and he received the appointment of divinity lecturer to the University. Soon after this a controversy arose respecting the mendicant orders, and he took part against them with the majority of the Oxford men, led on by their former chancellor, Fitzrelph, now Archbishop of Armagh. About the same time Wycliffe exposed severely some other corruptions of the church, especially the simoniacal practices prevailing generally, but most of all at Rome.[2] 1356.

In 1361 he obtained the wardenship of Baliol College, and a few years after he is commonly said to have held that of Canterbury Hall, recently founded by Archbishop Islip, who, to make way for him, sanctioned, we are told, the removal, on account of alleged misconduct, of the person first appointed. Upon that prelate's decease, however, his successor

[1] Note II. [2] Note III.

disputed the validity of the whole proceeding, and deprived Wycliffe, who appealed to the Pope; but the sentence was affirmed in 1370, after a protracted litigation. This accident is by some thought[1] to have given his mind a bias against the Romish church. But nothing can be more groundless than the suspicion, even if we believe that the Master of Canterbury Hall and the reformer were the same individual, of which grave doubts have been entertained. For we have seen that his attacks on Rome were begun in 1356; his hostility to the friars commenced in 1360 at the latest, and Canterbury Hall was not even founded till 1361, nor the papal decision against him pronounced till nine years later. It is much more probable that the Pope's mind was biassed against him by the regular clergy, to whom Wycliffe had extended his hostility, originally pointed at the mendicant orders alone.[2]

The fame which he had obtained at the University appears to have recommended him first for promotion in the church, and then to the favour of Edward the Third, who made him one of his chaplains, and bestowed on him a prebend annexed to Worcester Cathedral, and the living of Lutterworth, in Leicestershire.[3] But his zeal in the contest with the Mendicants, and his writings against Rome, further recommended him to that prince as qualified for important service, and he was accordingly appointed

[1] Note IV. [2] Notes IV. and V.
[3] Massingberd's History of the Reformation, ch. iv.

one of the commissioners to treat of ecclesiastical differences, and chiefly of the papal claims to church patronage, with the Pope's envoys at Bruges. Thither he repaired, with his colleagues; and there he enjoyed, in the course of the negotiation, an opportunity of taking a nearer view than he before had of the Holy See's mingled craft and pride.

It may well be supposed that this lesson was not thrown away. Upon his return to his chair at Oxford, his invectives were no longer confined to the friars. He commenced a general attack upon the clergy, but especially upon the higher orders in the hierarchy, with the Pope himself at its head. Then, carrying his assault from the polity of the church and the discipline of its pastors to the doctrines which they taught, he denied the conversion of the sacramental elements by the priest's consecration, holding that they retained their original nature, and were only to the eye of faith the Saviour's body and blood.

Although this opinion impugned the fundamental and distinguishing dogma of the Romish creed, yet there can be no doubt that the more practical doctrines with which he accompanied the promulgation of his dissent excited a far more serious alarm among the clergy; for he denied altogether that prayers had any special efficacy when offered up in the case of individuals, or possessed a higher virtue than general petitions, a tenet that in practice struck at the mass, which, however, he had not attacked. He held that

excommunication is only lawful of such as lie under divine displeasure, not to be levelled against any one at the will of the prelate, still less to be employed as a means of enforcing payments or service to the church. He affirmed the utter inefficacy, and even nullity, of all acts done by priests living in the commission of sin. He maintained the right of the civil governor to seize upon the possessions of a delinquent clergy; and this doctrine he extended to tithe, regarding it as a mere charity, the payment of it as a voluntary act, and the withholding it from clerks who led sinful lives as a right, if not a duty.[1] He regarded the temporal possessions, generally, of a wealthy establishment, but chiefly those of its dignitaries, as inconsistent with the precepts of the Gospel: monastic institutions he declared to be unchristian, and the collections of mendicant friars simoniacal. He proceeded to censure indulgences and pilgrimages as expedients for enriching the clergy, and not for edifying their flocks. Ascending to the head of the Catholic church, he rejected the notion of the Pope's infallibility; confined his jurisdiction to his own bishopric; asserted that St. Peter had never given him any greater powers than other priests possess; affirmed that he might be accused and condemned like any other prelate; pronounced his only authority over foreign states to be derived from the

[1] The passages in his work on "Clerks Possessioners," cited usually as by Vaughan, ii. 285, to prove the opinion of Wycliffe on the evil lives of clerks disentitling them to tithe, do not prove it; but he is known to have held the doctrine.

assent of their temporal rulers; and denied altogether his right to lay down or to expound rules of faith, appealing to the Scriptures as the only canon of orthodoxy to all Christian men.

These opinions, alike remarkable for their novelty and their boldness, were promulgated both by his own preaching and by that of his "poor priests," as they were called, converts attached to him, and who carried them all over the country, supplying, by their unwearied zeal in teaching, the want of that great instrument, the happy invention of a later period, for the rapid and universal instruction of the world.

It is not easy to conceive the impression produced by the New Doctrines, recommended, as they were, not more by the station and the character of their author than by the force with which they appealed to the feelings, the reason, and the interests of mankind. The load seemed to be removed under which the human mind had for so many ages lain prostrate. No longer compressed, it again manifested the elasticity which had never been destroyed, and, making a vigorous effort for entire relief, sprang forward to shake off the whole of its burthen. The gross and manifest absurdity of some received dogmas thus attacked by Wycliffe; the revolting injustice of others; the grievous oppression wrought by their application; the misconduct to which they so easily lent themselves; the abuses which they manifestly engendered, so revolting to all the strongest feelings of our nature—were quite sufficient to gain a favour-

able reception for the tenets of the Reformers, even without the inducements which they so largely held out, by appealing to the worldly interests, and, generally, to the secular views of men.

Nor did Wycliffe and his disciples, the "poor priests," neglect the means best suited to win the confidence and command the respect of the people. They affected the most primitive simplicity of manners; they appeared only in coarse raiment of a russet hue, usually going about barefooted; they fed on the most frugal and homely fare; they partook of no popular amusements, nor assisted at any of the sports and revels in which the vulgar of the times so greatly delighted. Yet their demeanour was not harsh or repulsive—it was not even severe; their speech was rather winning and bland; and it was observed that they all used the same cast of language, expounding or declaiming in one common style. Though they held that marriage was not merely permitted to the ministers of the Gospel, but enjoined to the same extent in their case as in that of all others, yet they abstained from it when the indulgence seemed likely to interfere with their sacred functions. They diligently traversed the country in all directions, exhorting and teaching in private, comforting the sick, sustaining the dying, inveighing with an unprecedented boldness against the corruptions of the church, as well as the vices of her clergy; above all, instant in season and out of season in zealously preaching the word, and openly expounding

the Scriptures. Far the greatest of all the holds that Wycliffe had upon the people was obtained by his unlocking to mankind the sacred volume which the decrees of the Romish clergy had shut up from them. He himself translated into the vulgar tongue the whole of the Bible, only detached portions of which had before been given in English; he caused copies of his version to be multiplied; and the duty of constant preaching, whether for inculcating religious truth or for opening the Scriptures to the congregation, was the clerical function which he most peremptorily enjoined. The churchmen, aware betimes what a mighty influence this bestowed, and how dangerous to their power such instruction must prove, launched out as much against the translation and explanation of the Bible as against any part of his proceedings. "The Gospels (says the Canon of Leicester[1]) which Christ gave the clergy, that they might dole out portions according to the wants of the lay folk, Wycliffe rendered from the Latin into the Anglican, not the angelic tongue; making every layman, and even woman that could read, more knowing than educated clerks themselves; thus casting the evangelical pearl before swine, and turning the gem of the priest into a sport for the people."

With the means so judiciously employed by the great reformer to propagate his doctrines, and the merits of the doctrines themselves, there conspired very powerfully the circumstances of society at the

[1] H. Knighton, 2644.

time when he began his ministry. The thick darkness which overspread Europe for several centuries, and was most impenetrable about the middle of the eleventh, had been gradually dispersing in England ever since the time of the Norman conquest; and during the fourteenth century there was a sensible progress made towards a state of greater refinement. Not only more learned and more inquiring men filled the higher places in society, some of whom indeed rank among the English classics of the present day,[1] but the middle orders of the people began to be somewhat better informed. The discipline of the feudal system had been materially relaxed; there had grown up the important class of traders; and the inhabitants of the towns had become a considerable body in the community. Even the labourers, the bulk of whom were still in a state of servitude or villenage, partook in some degree of the general movement by which the frame of society was advancing to improvement, and complaints were occasionally heard of the lord's conduct and the vassal's sufferings, to the extent of even questioning the right by which the one was held in a sort of property by the other. There is no better test of the progress which a people are making at any given time than the improvement of their jurisprudence; and Sir M. Hale, writing late in the seventeenth century, declares that, from the legal reforms of Edward the First,

[1] Langley lived early in the fourteenth century, the author of "Piers Plowman's Vision." Gower and Chaucer, even Occleve and Lydgate, to say nothing of Ockham or Scotus, were all contemporaries or immediate predecessors of Wycliffe.

who is often called the English Justinian, down to his own day, our law had received but little amendment though four hundred years had elapsed.[1] But, above all, the hold so long maintained over men's minds by the church of Rome had been loosened. The disputes between the Pope and the Kings of England on the claims of the Holy See both to contribution and to clerical patronage, had been of long continuance. Edward the Third had carried on against it a contest in some degree successful upon those points. Severe laws had been passed to prevent any interference with the right of presentation to livings, and put down the practice of appealing to Rome;[2] the papal usurpations were become a standing topic of popular invective[3] and even of poetical derision; and, as the greater number of the clergy naturally sided with the Holy See in those disputations, one inevitable consequence of the controversies which marked the age was, to lessen the confidence of the people in their spiritual guides.

Making his appearance in such a condition of society, and addressing a people in these circumstances, Wycliffe must be allowed to have had important helps in recommending his doctrines, though very far inferior to those which aided the Reformers of the sixteenth century. Nor should we regard the errors which he mingled with his sounder opinions as likely

[1] History of the English Law, 163.

[2] Stat. 25 Edward III., c. 6 (A.D. 1350); 27 Edward III., c. 1; 38 Edward III., s. 2.

[3] Note VI.

to obstruct their acceptance among the bulk of his countrymen. His fanatical notions respecting property, as held by the tenure of grace, and liable to be forfeited by the sin of the owner, a notion taken from the feudal law but plainly recommended to Wycliffe by its bearing upon the controversy with the Pope and the clergy; his yet more groundless speculation, manifestly arising out of the same conflict, that to grant a perpetual ownership in any estate passes even the power of the Deity; his denial of the clergy's right to hold temporal possessions at all beyond the scantiest portion by which life can be sustained; these errors or exaggerations, if they did not rather add to the favour which his tenets found with the multitude, certainly detracted nothing from their popularity; and the truth of the maxim was anew illustrated, that the progress of reform, where great abuses exist, runs little risk of being obstructed by the errors of its apostles, provided they only avoid the most fatal mistake of all, that of damping the zeal, thwarting the exertions, and balking the expectations of their followers.

The success of the new doctrines thus preached, thus recommended, and addressed to a community thus circumstanced, appears to have been rapid and extensive. We are told by the most implacable of Wycliffe's adversaries that one half, if not the majority, of the people, had become his converts.[1] Those adversaries confess, what it ever costs partisans much

[1] H. Knighton, 2664. See note VII.

to admit in favour of an enemy, that the "sect was held in the greatest honour;"[1] and we have added to this testimony a plain indication of the importance which it had acquired, in the known fact that the two most powerful lords in the beginning of Richard the Second's reign, John of Gaunt, Duke of Lancaster, his uncle and chief minister, and Percy the Earl Marshal, were Wycliffe's openly declared partisans, appearing by his side when put on his trial before the Primate and Bishop of London, and exposing themselves in his behalf to great personal risk from a mob unfavourable to the Reformer's doctrine.

That this rapid progress of Wycliffe's sect early arrested the attention of the clergy and of their spiritual head, may easily be supposed. Courtney, Bishop of London, a prelate of extraordinary zeal, and holding the loftiest notions of clerical discipline as well as of the clergy's authority, received a bull from Pope Gregory XI., directed to the Primate and himself, and dated in the last year of Edward's reign, to whom a similar bull was likewise addressed, but neither arrived before that prince's death. The Pope charged them all to proceed strenuously against Wycliffe, whose opinions he pronounced to be damnable heresies; required them to cast him into prison, and to examine him strictly, reporting his answers; and desired that, should he escape, they might summon him to appear before his Holiness himself, wheresoever he might happen to be, within three months.

[1] H. Knighton, 2664. See note VII.

In compliance with the exigency of these rescripts, Wycliffe was examined before the Bishop of London in the winter of 1377–8, when the Duke of Lancaster and Lord Percy, as has been related, appeared by his side, and even took an active part in his behalf. They had a sharp dispute with Bishop Courtney upon their demanding that Wycliffe should be allowed a chair during his examination. The duke, in his altercation with the prelate, waxed warm, and taunted him with trusting to the influence of his family, who might, peradventure, he said, find it all they could do to maintain their own ground. The populace, who were no friends either of Wycliffe or the duke, rose to revenge the insult which they thought had been put upon their diocesan; they sacked Lancaster's palace, in the Savoy; and he and Percy so narrowly escaped, that a man was killed, being taken for the latter. Nor could the tumult be appeased until the bishop himself, who may well be supposed to have had some hand in exciting it, interposed and besought the multitude to disperse.[1] The result of the inquiry was, an order of the prelate's, putting Wycliffe to silence. He was afterwards cited to appear before the Primate and other prelates, at Lambeth; but the humour of the populace now took a different direction, when led on by the citizens of London, always attached to the new doctrine. They broke into the council-chamber, and occasioned so great an interruption to the proceedings, that the bishop

[1] Note VIII.

yielded to a message from the Dowager Princess of Wales, and affected to be satisfied with Wycliffe's explanations: so that the inquiry dropped altogether during the remainder of Gregory's pontificate. He died in the following spring, and Urban VI., his successor, had not filled the chair of St. Peter six months, when his seat was contested by the election of Clement VII., and the famous schism began, which for forty years split the church into two parties, headed by two pontiffs, of whom one was established at Avignon, and the other at Rome.[1]

This important event naturally exercised a great influence upon the persecution which had been commenced against Wycliffe and his followers. The English clergy no longer had the undivided authority of the Holy See to support their pretensions; and the existence of two rival popes, each claiming the same prerogative over the faith, the same authority over the discipline of the church, nay, each pretending to the same attribute of infallible judgment, and each deriving his title as sole successor to Saint Peter from the immediate operation of the Holy Ghost upon the minds of the same electors, had a direct and powerful tendency to weaken the hold hitherto maintained by that proud hierarchy over men's minds, and mightily aided the attacks of all its enemies.

[1] Gregory had restored the papal residence to Rome after it had been for seventy years fixed at Avignon. Urban VI. continued at Rome, Clement VII. at Avignon.

It should seem that these considerations encouraged Wycliffe in his course; for we find his adversaries complaining that, during the next two years, his assaults upon the established faith were carried on with less reserve. He is accused of treating the doctrine of the real presence not merely with open and peremptory denial, but even with unseemly ridicule, describing the priest's power of consecration as incapable of rendering inanimate matter more worthy of adoration than the meanest animal.[1] It is, however, important to remark, that none of the contemporary authorities intimate the least suspicion of any connexion whatever between his doctrines, or his manner of preaching them, and the great insurrection of the common people which broke out about this period. This accusation was reserved for the zeal of the Romanists in our own times,[2] and we may here stop for a moment to show how entirely it is destitute of support.

Whatever tendency may be ascribed to the invectives of the Reformers, whether it be that they were addressed to the upper and middle classes, or that the common people remained wholly indifferent to them, certain it is that no attempt was made by the churchmen of the day to connect the new doctrine with the seditious movements, or to represent its professors as having endangered the public peace by their preaching. Had there been the least pretence for bringing such a charge against them, we may be

[1] Note IX.

[2] Ling. iii. 236 (Ric. II.).

well assured that adversaries so zealous as Walsingham and Knighton would eagerly have caught hold of the topic, more especially when we find them dwelling on the wickedness of the people as having called down the judgments of Heaven.[1] Their silence affords a conclusive argument in favour of the Reformers; but it is not the only ground on which their defence may be rested. The proceedings of the multitude proved them to be actuated by views and feelings the very reverse of those which guided the followers of Wycliffe. The insurgents made the schoolmasters whom they captured swear never to teach the children.[2] The oath by which they bound themselves was directed against the Duke of Lancaster by name;[3] and they murdered a Franciscan friar merely because he was the duke's favourite.[4] The confessions of the original leaders declared that their plan was to spare the mendicant friars in the massacre.[5] The complaints which the Lords made to the Parliament afford the last proof which I shall give of the same position. These complaints were directed against the villeins some time before the tumults, and show that the gathering storm had been observed. Reference is made to similar outbreaks which had taken place in France; but not a word is said of the new doctrine or its preachers.[6] In truth, the insurrection was confined to the lower

[1] Note X. [2] Hol., ii. 746.

[3] They swore never to have a king called John (Lancaster's name). —T. Wals., 258.

[4] T. Wals., 263. [5] Hol., ii. 751. [6] Note XI.

orders, especially the peasants and villeins, and with that class the Reformers and their opinions had not found favour.

But though there can be no doubt that the Reformers were wholly without any share in the insurrection, yet that event proved unfavourable to their doctrines. Men were so much alarmed at the scenes which for some weeks had been enacted of insubordination and bloodshed, followed by military execution, and then by judicial vengeance,[1] that they were easily disposed to regard with aversion any invectives against the Establishment, and to distrust assemblages of people brought together without the sanction, if not against the will, of the constituted authorities. Certain it is that the Duke of Lancaster, moved probably by such considerations, no longer proved so warm a partisan of Wycliffe. For when, upon the Primate's murder in the late tumults, Courtney succeeded, he summoned a synod of prelates and doctors, which pronounced the new doctrines partly heretical, partly erroneous, but all execrable:[2] and when the King issued a royal mandate to the University of Oxford, commanding the expulsion of all who harboured the persons or partook of the opinions of Wycliffe and his followers,[3] Nicolas of Hertford, Rypingham, and John Aston, as well as directing search for their books, those individuals made their appeal from the

[1] 1500 executions took place.

[2] T. Wals., 305. He omits the royal mandate, and only says Courtney published his conclusions.

[3] Note XII.

University to Lancaster, who rejected it, and recommended their submitting to the decrees which had been pronounced. Wycliffe had appealed to the parliament against the synod's sentence, and had prayed for various reforms in ecclesiastical discipline, suggesting also, that to supply the wants of the nation and of the poor, the superfluous revenues of the church might be appropriated, by which he was well known to mean the revenues of the dignitaries and of the monasteries; but he only obtained a partial success. An act had recently passed, enabling the crown to command by writ the seizure of all persons convicted before the bishops of preaching the heretical doctrines, in order to their being dealt with by the spiritual power; and the episcopal certificate was to be the warrant for the writ. It was now represented by the Commons, as is believed, at Wycliffe's suggestion, that this act had never received their assent, and they desired that it might be repealed, as subjecting the laity to a jurisdiction from which they had always been exempt. The King and the Lords concurring, the act was repealed.[1]

The defence which the Reformers, and especially their great leader, made for themselves when called upon to answer for their opinions in the course of these proceedings, has been the subject of much comment and some triumph, both among the writers of the Romish party and among writers who, like Mr. Hume, holding all religion cheap, regard the con-

[1] Note XIII.

scientious believer with contempt for his anxiety to clear his own faith from error, and to protect the practice of his fellow Christians from abuse. If the accounts which have reached us of the statements made by these honest men, when severely questioned and loudly threatened, be considered with attention and with candour, I do not think that they will be found to justify the censures somewhat exultingly pronounced upon them by their adversaries of both descriptions. Two documents, supposed to contain the substance of what Wycliffe said or read when examined before the Bishop of London and the Lambeth synod, and two others, containing Nicolas of Hertford and John Aston's statements, set forth their defences, as given in English by H. Knighton. T. Walsingham has given a more full and articulate statement, in which Wycliffe goes through all the positions condemned, and justifies or explains his belief. But although he certainly takes advantage of whatever had been left doubtful or equivocal in his opinions to soften them, and so gain favour with the judges; although it is very likely that his doctrines, when preached without any explanation, might appear more unqualified and more widely departing from the orthodox standard; and although the expressions ascribed to his two disciples import a large admission of error; yet are there several very obvious considerations, which suffice to remove from those eminent persons the suspicion of having, through faint-heartedness, abjured their tenets when pressed by perse-

cution. The main reliance of their adversaries is upon the explanations given touching the denial of transubstantiation. Now, though Wycliffe expressly says, in one of his defences, that the "bread is very God's body," yet he adds that "it is in the form of bread, and in another manner God's body than it is in heaven:" and he compares the believer, or communicant, to a person looking at a statue, or picture (image), and "never thinking whether it be of oak or of ash, but only thinking of him whom it represents."[1] In the other defence, he expresses himself with more leaning towards the real presence, comparing the twofold nature of the elements to the twofold nature of Christ; but then, to show that there is no quailing before the tribunal, he boldly charges the synod that condemned his opinions with having declared Christ and the saints heretics, adding, that the earthquake which happened at the time was a manifestation of the divine displeasure, like that which was shown at the Saviour's passion.[2]

It is very true that Nicolas of Hertford and John Aston do, according to the account of H. Knighton,[3] declare their belief of the consecration changing the elements into the very body of Christ, as he was born of Mary, suffered, and rose again; and they avow that they believe according to the Scriptures, but also as the Holy Church believes, to which they submit themselves. But it is material to observe, that

[1] H. Knighton, 2674. [2] Ibid., 2650.
[3] Ibid., 2655-6.

John Aston affirms the subject to be one which passes his comprehension; and it is quite impossible that Nicolas of Hertford can have made the abjuration set down for him, because he immediately, according to the same author, hastened to Rome and laid his tenets before the Pope, who, with the advice of the conclave, condemned them as heretical, and declared him deserving of death, but only cast him into prison because he was an English subject, and his country had taken Urban's part against Clement. In that confinement Nicolas lingered, till, in the course of a popular tumult, his prison was broken open, and he made his escape; but, returning to England, he was condemned by the Primate to perpetual imprisonment.[1] So that nothing can be more clear than the total impossibility of the account being true which Knighton gives of his abjuration. We may further bear in mind that Wycliffe himself did not escape punishment by his explanations; for he was expelled from Oxford, and never more suffered to lecture nor even reside there.

The charge, then, of having abjured their opinions, appears in no sense to be justly made against those pious men: and when Knighton taunts them with escaping death by their recantation, he forgets that up to the period in question no one had ever suffered capitally for heresy, nor was there, until the beginning of the following reign, any law passed to punish it capitally.

[1] H. Knighton, 2657.

Upon leaving Oxford, Wycliffe retired to his living at Lutterworth, in Leicestershire, where he remained during the rest of his days; but he was not put to silence by anything that had passed. His health, indeed, suffered from the trouble into which he had been thrown, and a paralytic affection seized him some time before his last illness, which was a more serious attack of the same disorder. He continued, however, to preach, and to labour, both by his writings and his instructions, until visited with the seizure which proved fatal to his life. He was stricken with apoplexy on St. Thomas's Day, while preparing to preach in his church: and, after lying paralyzed for a week, he expired on the last day of the year. 1384.

When we consider the early period at which he appeared, and how strong a hold the doctrines which he assailed had universally obtained over the minds of men, Wycliffe must be ranked among the most remarkable of those who are entitled to the highest of all fame, that of being greatly in advance of their age. The tenets of the Waldenses in the eleventh century, and their persecutions in the twelfth, had neither shaken the general belief in the errors of Rome, nor lessened the homage yielded to the Pope; and indeed those well meaning enthusiasts rather differed in their practice than in their opinions from the surrounding nations. Lolhard some time after had suffered for heresy in Bohemia, and had many followers who dissented from the orthodox faith, making no

stand, however, against the abuses of Rome. But when Wycliffe began his spiritual and political warfare, he found the successor of St. Peter universally acknowledged as the delegate of Heaven, with absolute dominion over the opinions and consciences of mankind; endowed by common consent with ample prerogatives, even of a secular description; and exercising no very limited jurisdiction over the temporal princes of the world. The dogmas most cherished by the Holy See, those most connected with its political usurpation, and those most conducive to the power of its priesthood, had never been assailed, or even questioned, unless by recluse men of learning, who ventured not to communicate their doubts; or, if one had attacked the abuses of the mendicant friars, another the imposition of indulgences, the stride was prodigious from such unconnected inroads to that general invasion of the whole system, its doctrines and its practice, its authority and its hierarchy, the title of its chief and the life of its ministers, which has made the name of Wycliffe so illustrious among the teachers of mankind.

Even if we compare him with Luther, in one only particular can he be said to fall short of that great Reformer—his success was more limited. But this only renders his merit the more signal; for he failed, because he lived in a comparatively dark age; while Luther, coming later by a century and a half, had for his allies the general cultivators of learning, and the powerful agency of the press, beside profiting

by the previous labours of Wycliffe and his followers. It is indeed to be borne in mind, that Zuinglius had planted the Reformation in Switzerland before Luther began his work in Germany; and had at this early period even shaken off many Romish errors, which clung by Luther to the end of his life.

If in other respects we compare Wycliffe with his illustrious successor, we shall find in both the same fixed determination to suffer no intrusion of any human authority between man and his Maker. This is the grand principle of the Reformation, the distinguishing mark of dissent from the Romish church; and it at once emancipates from all religious thraldom, severs the clerical from the political office, confines the priest within the natural limits of his functions, and, by introducing Scripture as sole arbiter in religious controversy, secures the entire system from theological error. But in following this great doctrine into its consequences, the two Reformers so far differed, that Luther chiefly attacked the polity of Rome and the various devices of her priestcraft; while Wycliffe, without neglecting that branch of the subject, carried his inquiries more largely into the corruptions of the faith. In discharging the duty of preaching, and in furthering the study of the Scriptures, both were alike exemplary; but Wycliffe composed more discourses, and he completed himself the translation of the Bible, parts only of which Luther attempted.[1] In their possession of great

[1] Note XIV.

learning, in their acquaintance with polemical divinity, in their skilful management of all controversial weapons, these great men were equally eminent; but it is remarkable, that he who lived in the earlier age, and in the ruder state of society, was the less coarse and vulgar in the language of his invective, and the more guarded and dignified in his demeanour as a disputant.[1] He also showed less intolerance of any difference in theological opinion. Luther even made up his mind to risk the failure of his whole enterprise rather than receive into his fellowship Zuinglius, who had cast off errors of Romanism, to which himself still adhered.

The courage that inspired both Reformers to break loose from the papacy, supported them in sustaining long continued conflicts with the secular arm. But Wycliffe, though he never made any recantation, yet showed a disposition to reconcile his doctrines with those of orthodox believers, when he was abandoned by his patron, Lancaster; whereas Luther never betrayed the least desire to soften the shades of his dissent: a merit of the highest order, though rendered somewhat easier by the advantage which he enjoyed above his predecessor, of steady support from the Elector of Saxony. The temporal lot of the

[1] Robertson (ch. v. 11) excuses the coarseness of Luther by referring to the unpolished age he lived in. But clearly the chivalrous spirit, then more powerful and more general than in our day, would rather have tended to restrain the licence of abuse in controversy, unless we suppose that churchmen were without the pale of those rules; and if so, they were, more than even in later times, within the pale of a peaceful and self-denying rule.

two men differed accordingly. Luther gave up all preferment, and indeed surrendered entirely his station in the church which he opposed. Wycliffe retained both his parochial and cathedral benefices to the end of his life.

In their private character both were without a stain: the sanctity of their lives attested the purity of their doctrine. The utmost rancour of controversy never gave rise to a charge against Wycliffe's morals; and if Luther's were attacked, the accusation imagined by bigotry, or fabricated by fraud, passed harmless over his head. In this, however, Wycliffe was the more happy of the two, that never having bound himself by any vows, he could not be taunted with moulding his belief so as to escape from their obligation; while Luther, a monk, could with truth be alleged to have married a nun in violation of that celibacy which both had solemnly, though unlawfully sworn to maintain.[1]

The loss of their great leader did not relax the efforts of his disciples; but the jealousy of the government had joined itself to that of the clergy, and there were so many attempts made to harass the sect, that it probably would have been extinguished, had not its principles taken too deep root, and spread too widely, to render their extirpation possible. The name of Lollard was now given to those who embraced the new opinions, either from the word so often used by the clergy, indeed, by the Pope, too,

[1] Note XV.

and the prelates, in denouncing the heresy—that it was tares, *lolium*, mixed with the wheat; or from the appellation given to a similar sect in Germany, headed, early in the same century, by one Lollhard.[1] We now find Lollards and Lollardy made during many years the subject of strong complaints, as well by the clergy in their writings and sermons, as by their supporters in Parliament. Nevertheless, the Lollards persevered with the strenuous zeal which marks all new sects, and is proverbially stimulated rather than quelled by opposition. The opinions which they maintained even assumed a bolder form after Wycliffe's decease. They denied that there had been any Pope whose title to the office was valid, since Sylvester in the fourth century. All indulgences they utterly rejected as corruption; confession and absolution they regarded as sinful, and even impious; pilgrimages, the invocation of saints, the keeping of saints' days, the use of images in worship, they plainly treated as various forms of idolatry; all church dignities, from that of the Pope down to the deanery, they considered unlawful innovations upon the primitive simplicity and purity of the Gospel dispensation. Oaths of every kind they held to be sinful. They denied that the clergy could lawfully

[1] Of Lollhard's opinions little or nothing is known. Some derive the name of *Lollard* from him; some from *lollen*, to sing—as these sectaries used to sing in a low tone unlike the priest's chaunt. An order in the church, founded by Sixtus VI., in 1370, were called Lollhards, or Cellitæ, and resembled the *Sœurs de la Charité* in later times. They do not appear to have been accused of heresy. The name, whatever be its origin, had certainly been used before Wycliffe's time.

hold any property; and, what appears to have given more offence than all besides, they assumed the right of conferring holy orders, their priests, thus made, taking upon them every clerical function.[1] Their numbers, thickly scattered over the country, in all probability prevented the prelates from exerting their full authority against them; but in one diocese they appear to have received a check, at least for a time. Spencer, Bishop of Norwich, famous for his crusade against the partisans of Clement, and for his cruel proceedings against the Flemish insurgents, to defeat whom he had led on a large force to rout and destruction, gave a public notice that he would punish with death any one who should presume to preach without regular ordination and licence.[2]

The troubles of Richard's reign, and the sudden revolutions of party which took place, with the proscription of each faction in succession by its victorious adversaries, withdrew the attention of the government from the proceedings of the sect, and favoured its progress; but after the King had firmly established his authority by the sudden overthrow of his uncle Gloucester's influence, he took a decided part, when called on by the clergy, to repress the Lollards, whose conduct had become liable to the charge of violence, and even on one occasion to that of sedition. They placarded the churches in London with scurrilous attacks upon the priests, as men of lives the most immoral; they were encouraged in these pro-

[1] T. Wals., 372. [2] Wharton's Ang. Sac., ii. 359. Note XVI.

ceedings by one Pateshull, a friar, who, having purchased the appointment of Pope's chaplain, gave up his place in the order he had belonged to, and bitterly assailed the fraternity; and, being favoured by some of the powerful barons, they presented a petition, which their patrons were expected to support, complaining of clerical abuses in unmeasured terms. The King hastened over from Ireland, where he then was; gave a gracious answer to the prelates, who threw themselves on his protection against the rude assaults of their adversaries; and his threat of severe punishment, indeed of instant death, held out to the Lollard grandees, proved so effectual, backed as it was by his well consolidated authority, that the petition was suffered to drop, nor did any partisan of the sect ground a proceeding upon it. He also issued two proclamations, or mandates, requiring the University of Oxford to expel all Lollards and other heretics,[1] to seize and send away any persons who resisted, that he might deal with them according to law, and to examine by a synod of doctors the positions set forth in Wycliffe's "Trialogos," reporting their opinion upon the same.

The despotic and wholly illegal conduct which Richard had thus held in ecclesiastical matters he soon extended to every part of his administration; and the rest of his wicked, weak, and unhappy reign presented the usual appearances that mark the ac-

[1] "All persons notoriously suspected of Lollardy and other heresy." —Rym., vii. 806.

tions of feeble but unprincipled men, in whom violence and timidity alternate with each other, when they do not, as so often happens, rule together with divided sway. It was a succession of acts for some years rash and cruel, for some months dastardly and mean; but neither when he was occupied with the destruction of his enemies, nor when, by a signal retribution, he was compelled to receive the law from them, had he any leisure to renew his attempts against the Lollards.

After Henry IV. had dethroned him, it was evidently a part of his policy to court the clergy by siding with them against their opponents, although his father, John of Gaunt, had been Wycliffe's earliest protector, and he had himself formerly inclined to the new doctrines. But now the case was altered; and it is remarkable that even before he received the crown, and while the proceedings were all carried on in Richard's name, a proclamation, assented to by the House of Lords, was issued by Henry, in conjunction with his partisan, the Primate, directing the seizure and imprisonment of all who should presume to preach against the mendicant friars.[1] Yet the Lollards, against whose favourite topic of invective this ordinance was levelled, appear not to have been silenced by it. On the contrary, in the course of the next year, we find them launching out into abuse more bitter than ever, and propounding doctrines in

21 March, 1399.

[1] Rym. viii., 87.

more undisguised opposition to those of the church. Reformers addressing the fickle vulgar, ever enamoured of some exciting novelty, and regardless of the intrinsic value of any measure or any doctrine, are prone to stir up continually the zeal of their followers with fresh stimulants; so the Lol-

1402. lards added to the tenets undeniably sound which Wycliffe had preached, others that might seem exaggerated, some that were true, and some that were manifestly false. They denied the holiness of the seven sacraments, which he had always admitted; they deemed them to be mere dead symbols, and of no efficacy as used by the church; while, contrary to his tenets, they justly rejected altogether the doctrine of purgatory and of penance, confining the efficacy of penitence to sincere repentance and amendment of life, with faith in the promises. They were not satisfied with opposing the celibacy of the clergy, but must even require nuns and monks to marry, on pain of being damned, though they held marriage to be validly contracted by simple consent of the parties, without any intervention of the priest. They did not scruple to pronounce the church itself a synagogue of Satan, and ventured even to term the eucharist a watch-tower of Antichrist. Finally, after having, as we before saw, declared loudly against all saints' days and all holidays whatever, save the Lord's Day, they now struck that exception out of their creed, holding the Sabbath a mere Jewish ordinance, and that Christians are as

much at liberty to play or to work on the seventh as on any other day of the week.

The usurpation of Henry of Lancaster had to struggle with the hatred which ever attends on the most popular rebel after the government he shall have subverted has ceased to exist; and these feelings broke out immediately in an attempt to restore the dethroned prince. The quelling of this insurrection begun by Kent and Mortimer, as well as watching the commencement of Owen Glendower's rebellion in Wales, the cruel act of putting Richard to death in his prison, the constant reports of his escape and threatened return, with which the new King was harassed; the expedition which he undertook into Scotland, that he might occupy men's minds, and divert them from dwelling on the infirmity of his title—all afforded him so much employment during the first year of his reign, that he could give no heed to the disputes between the Church and the Reformers. But the progress which those sectaries were making, and the uncontrolled vehemence of their attacks on the clergy, his wish to fortify himself in the opinion of that powerful body—possibly, too, the circumstance of Salisbury, a leader in Kent's conspiracy, having belonged to the new sect, drew his attention to the controversy, as soon as he could rest in comparative quiet, after the first troubles of his reign. In the speech delivered at the opening of parliament, commonly by the chancellor, it was usual for the sovereign to make a general promise that he

would maintain the church in all its liberties and franchises, as they had previously been enjoyed. A like promise was given to the other orders of the state. But on the assembling of his second parliament, Henry added these words, in making mention of the church—"as approved by the Fathers, the Doctors of the Church, and the Scriptures."[1] The prelates and clergy, perceiving that this expression indicated a favourable disposition towards them, and a leaning against the Lollards; marking, too, that the Commons had immediately thanked the King for his care of the faith—petitioned for a law which might effectually prevent the practice of preaching without episcopal licence, authorize the seizure and detention of persons propagating the new doctrines, and require the delivering up of their heretical writings. Any further punishment was not asked, or indeed referred to by the petitioners; but the King or the temporal Peers immediately passed an act in accordance with their prayer, adding the penalty of death. Whoever refuses to abjure the heresy of which he is either convicted or vehemently suspected, or, having abjured, relapses, is to be seized; and the magistrates, says the statute, "shall forthwith in some high place, before the people, do him to be burnt." The purpose of the savage punishment is plainly set forth; it is, "in order to strike in fear to the minds of others, whereby no such

1401.

[1] These words are not in the statute 2 Henry IV., c. 1, but in the Rot. Parl., 2 Hen. IV., 1 (vol. iii. 454).

wicked doctrines and heretical and erroneous opinions, nor their authors and fautors against the Catholic faith and detriment of the holy church, which God prohibit, be sustained or in any way suffered."[1] It must be observed that no trial in any temporal court is required by this statute before the party accused shall be burnt. The mere certificate of the bishop, or his commissary, is made imperative on the sheriff or other executive officer, who may or may not have been present at the trial in the spiritual court, according as its judges chose to direct.

About the same time, certainly during the same session, an unfortunate man, named William Sawtré, was actually burnt for heresy. He had been a priest, and held a living in Norfolk; but was deprived for heretical opinions, and afterwards, on recanting, readmitted into the church. He now petitioned parliament that he might be allowed to dispute before them on points of doctrine. The Primate summoned him, as suspected of relapse from the tenor of his petition: he proved contumacious when interrogated; sentence was pronounced against him as a relapsed heretic; and he was delivered over to the constable and marshal. The King, by the advice of the Lords spiritual and temporal, ordered him to be publicly burnt, "in abhorrence of his crime, and as an example to all other Christians."[2] It is distinctly stated in this writ that the burning of heretics is en-

[1] 2 Hen. IV., c. 15. Note XVII.
[2] Rot. Parl., iii. 459. Rym., viii. 178.

joined by the law of God as well as of man, and by the canons.

It must be added that during the same session, probably before the writ in Sawtré's case was issued, the Commons had petitioned that all persons imprisoned for Lollardy "should be put to answer forthwith, and punished as they deserved, in order to deter others of that wicked sect, to prevent such wicked preaching, and to maintain the holy religion."[1] There seems, then, independent of the thanks given to the King, as we have already seen, no doubt that at this period the zeal of the upper classes set in strongly against the Reformers. Indeed, we can trace the orthodoxy of the Commons in the language of their addresses. In one they compare the constitution to the Trinity, "consisting of three persons which ought to act in unison;"[2] and in their address at the close of the Parliament, they compare the session to the mass, showing how the Primate, the King, and the two Houses, had performed the several parts of that holy office, and couching their thanks to the Crown in the words of the Romish Liturgy—"Deo Gratias."[3]

It should, indeed, seem, that persons in the upper ranks of society had, ever since the tumults early in Richard's reign, become alienated from the Reformers. The natural leaning of those classes is commonly found to be, for obvious reasons, in favour

[1] Rot. Parl., iii. 474. [2] Ibid., iii. 459.
[3] Ibid., 466. Note XVIII.

of the established church: this natural bent of their opinions, together with the alarms which the riots occasioned, counteracted the accidental inclination of many among them to Wycliffe's party; and these alarms derived additional force from the sense of the insecurity in which the revolutions that vexed and finally terminated the reign placed all property and all privileges. In such circumstances, it is little to be wondered at that Henry should take the side most likely to promote his popularity with the more important members of the community. The infirm title of the Lancastrian princes to the crown, from which the commons derived so much advantage in the assertion of their civil rights, operated in the contrary direction upon their struggle for religious liberty, because it was for the most part the middle and lower orders that engaged in the conflict with the church, and the sovereign had not the same cause to dread their opposition, or the same motives to court their favour, as he had in his contests with the upper orders composing the parliament.

But though the displeasure of the King, the strongly expressed sense of the Parliament, and the rigorous law actually passed against them gave serious annoyance to the Lollards, they were not to be put down. They persevered, it should seem, in defiance of the enactment made to restrain them; and it does not appear to have been strictly enforced. Gathering courage from impunity, they began, after a few years had passed away, to preach more openly than they

had ventured to do early in the King's reign; and many priests, as well in Oxford as in other places, avowed, without disguise, their adoption of Wycliffe's opinions, as, indeed, the whole body of the University had, some time before, borne testimony to the Reformer's life and doctrines.[1] The fears of the clergy were not unnaturally renewed; and a sentence was pronounced by the convocation, condemning his five principal works of theology and his Treatise of Logic as heretical, a judgment which, notwithstanding its inconsistency with their former testimony, the University of Oxford solemnly adopted, adding the prohibition to teach the condemned doctrines, upon pain both of excommunication and loss of all degrees. These proceedings, however, clearly prove how imperfectly the severe law made against Lollardy had been executed. If the Oxford scholars could openly preach its doctrines, and the threats of the University only extended to spiritual censures and deprivations, we may be pretty sure that the refractory ran little risk of martyrdom.

1409.

While the learned were thus becoming converts to the new system, we may easily suppose that the popular preachers of the sect still less kept any terms with the abuses and errors of the establishment. Their invectives against the clergy they contrived to pour out in all parts of the country, braving every peril to which such a course might expose them. Their familiar topic of attacking the church's right

[1] Note II.

to possess any property at length drew the attention of the Lords, who, feeling that such assaults, if successful in despoiling the clergy, might be ere long directed against themselves, prepared a petition against the Lollards, to which they asked and obtained the consent of the Commons. The petition sets forth the dangers to the church, which has as good a right to its possessions as any of the temporal lords; it states the possible danger to their own property from the like attacks being levelled at them; and it prays for an enactment authorizing the seizure and imprisonment of all who preach the reformed doctrines, or pretend to impeach the church's title, to the end that they may be judged by the King and the Peers in the next parliament.[1] No entry of the royal assent being made on this bill, I have great doubts if it ever became a statute; it was, at any rate, only a temporary provision, and never acted upon. But the proceeding is important, as showing the temper of the parliament, and also as proving that the severe act passed seven years before had not been found sufficient to silence the Lollards, because those who were cited in the spiritual courts screened themselves by evasions, and sometimes by consenting to abjure,[2] or because the sanguinary

[1] Rot. Parl., iii. 584. The petition adds, as a substantive offence, the spreading reports of Richard's being still alive, or of "the fool passing under his name in Scotland" being Richard himself.

[2] We find that many did so in the preceding reign, when interrogated and threatened by Courtney, during his visitation of Lincoln diocese.—Hol., ii. 828.

nature of the enactment interposed obstacles to its execution.

Towards the latter period of his reign, Henry found that considerations of a very different nature from any relating to doctrinal points had begun to weigh with the Commons. He had some time before found the greatest difficulty in obtaining supplies; and one parliament had, in consequence, been kept sitting nearly a year, a thing unknown in any times, but especially unheard of in those days, when the session rarely lasted above six weeks, and the parliament generally ended with the session. He now bethought him of an expedient to remove these difficulties: he asked for the grant of a tenth from the clergy yearly, and a fifteenth from the laity, to last during his life, without any other parliament being holden. This was refused, and he was under the necessity of continuing the session for five months, when he at length obtained the ordinary subsidy, for the usual term of a year, but not before the Commons had made him a proposal to seize upon the temporalities of the dignified clergy, as well as the monasteries; and thus, they said, to obtain a revenue more than sufficient to maintain 15 counts, 1500 knights, and above 6000 esquires. This proposition manifestly arose from the prevalence of Lollard principles; and the King sharply reproved those who brought it forward. They then begged to have convicted priests delivered over to the secular arm, and not to their bishops. This too was refused.

Finally, they desired to have the statutes against Lollardy mitigated, but were told that, on the contrary, the law would rather be made more stringent and rigorous.[1]

A poor man named John Bradbie, a blacksmith, or, as some say, a tailor, apparently of the new sect, was about this time burnt in Smithfield for maintaining Wycliffe's doctrines touching the real presence. He had persisted in his refusal to recant when cited before the bishop's court, and he was thereupon delivered over to the secular power. The officers brought him to the stake; and a barrel was prepared in which to place him, surrounded with combustible materials. But Henry, the young Prince of Wales, happening to be present, humanely accosted him, and strongly urged a recantation. It was all in vain: the wretched man was placed in the barrel; burning fuel was heaped around it. His miserable cries again moved the Prince, and, ordering the combustibles to be withdrawn, he once more besought the unhappy victim, now half dead, to retract, promised to obtain his pardon, and even held out hopes of a pension for his support. But the poor creature remained constant to his principles, "instigated, no doubt," says the chronicler, "by the evil spirit."[2] Whereupon Henry, with some anger, peremptorily

[1] *Note* XIX.

[2] "Non dubium quin maligno spiritû induratus," says the Oxford professor and monk of St. Alban's, "neglexit (perditus nebulo) tanti principis monita et elegit potius se comburendum quam sacramento vivifico deferre reverentiam."—T. Wals., 421.

ordered the execution to proceed, regarding the sufferer's case as hopeless; and he was burnt to ashes.[1]

And here we cannot easily avoid pausing to consider the lamentable effects of evil usages and wicked laws, more especially when founded on superstitious enthusiasm, in hardening the heart, perverting the judgment as well as the feelings, and substituting for both rational views and natural impressions the most absurd notions and the most inhuman sentiments. The Prince's conduct at the beginning of the cruel scene which we have been contemplating did him great credit; it showed that his feelings were kindly and well directed. But the idea never once entered his mind that the victim could be saved from a cruel death by any act of grace, unless he recanted. A pardon was to be asked for him; but only in case he abjured his opinions. Nor did the sagacity of Henry help him to perceive that the act of abjuration, far from being meritorious, is a mockery and a lie, inasmuch as, holding any belief and renouncing it or altering it, is not and cannot be a voluntary act; and the professing to have changed any opinion having no necessary connexion with the fact of a change, never can entitle a person to a more favourable consideration, or justify us in sparing him, provided the penalty was rightfully inflicted upon the act of holding that opinion. It is further to be observed that all the Prince's pity for the sufferer was extinguished when

[1] "Ad fauillas arsit ardalio miserabiliter mortuus in peccato suo." —T. Wals., 421.

he persisted in holding by his faith. Anger now came in the place of compassion, and the very constancy which entitled the victim of persecution to the sympathy of all good men and the admiration of every rational mind, so irritated a young man of naturally right feelings and sound judgment, but whose sense as well as his sentiments were perverted by a wicked system, that he at once joined the persecutors, and impatiently commanded the work of blood to be completed. Such spectacles as these ought ever to be held up before the eyes of the lawgiver, that he may be deterred from cruel enactments by the sight of the dreadful havoc which they make in the human mind, at once laying prostrate the understanding and corrupting the heart.

The execution of Bradbie took place under the statute; but the open breach between the King and his parliament was not soon healed, and it effectually secured the Reformers against any further persecution during the remainder of Henry's reign.

HENRY THE FIFTH.

THE title of Henry of Bolingbroke, Duke of Lancaster, to the crown of England was altogether imaginary as regards hereditary right; and he owed the possession to force alone. The weakness of his kinsman, Richard the Second, his want of firmness and prudence rather than his defective capacity, the hatred into which he had fallen from a long course of capricious conduct, not without acts of great cruelty and oppression, enabled Henry, a favourite with the people, to indulge at once his daring ambition and his desire of vengeance for the injustice of which he had been the victim. Richard had availed himself of a quarrel between Henry and the Duke of Norfolk, another formidable baron, to send both parties into banishment, by a sentence pronounced when they were about to end their differences in single combat; and, after securing to the former the inheritance of his father, John of Gaunt's, ample possessions, he had revoked the grant, and even caused the attorney, through whom the patent was solicited, to be prosecuted for treason. It was under pretence of claiming these estates that Henry, taking advan-

tage of the King's absence in Ireland, returned to England from France, where he had resided during his exile. He was attended by a moderate retinue; not more than sixty barons, knights, and esquires accompanied him; but among them were persons of great power, as the Earl of Northumberland, chief of the Percy family, and the Archbishop of York, who had fled in consequence of ill treatment received at Richard's court. John of Gaunt's son had an hereditary hold on the affections of the people; for, with the exception of London and places under the immediate influence of the Church, that prince was generally beloved in the country. But Henry's own reputation stood high from his services in a crusade undertaken by the Polish princes against the infidels of Lithuania; his superiority to Richard was marked upon all occasions; the injustice with which he had been treated by his cousin greatly increased the impression in his favour; and he became naturally enough the rallying point for all who had either grievances to complain of or ambitious wishes to gratify. Accordingly, upon his landing on the Yorkshire coast, he was joined by considerable numbers, as well of Percy's and the archbishop's retainers as others. He solemnly swore that the recovery of his estates was the only object of his expedition; and as the precaution had been taken of preparing the discontented parts of the country to expect him, a general rising in his favour speedily took place. The great officers of the crown fled on his approach to

London, and even the Duke of York, the King's uncle, who had been appointed regent during his absence, was so alarmed, that he made his peace by a promise of neutrality. The principal ministers took refuge in Bristol; but Henry pursued them thither, forced them to surrender, and, after a mock trial before the officers of his own household, appeased the savage fury of the populace by ordering them to instant execution.[1]

Richard, who had been detained on his passage from Ireland by storms, proceeded, on landing, to meet his adversary in North Wales; but his followers fell off from him. He was deceived by a gross fraud of Henry, who sent Northumberland with assurance of his allegiance, confirmed by the oath of that profligate man taken on the Eucharist;[2] and thus betrayed, he gave himself up to the invader, who carried him immediately to the Tower of London. The multitude, dazzled by success, as is their habit, forgot their dislike of Henry's father in their hatred of the King, whose person was not safe until he was lodged in the fortress. From thence he was conveyed, first to Leeds Castle, a strong place upon a small lake in Kent; afterwards to Pontefract Castle; but not before he had been forced to sign a resignation of the Crown. In this instrument, that the com-

[1] Statim in crastino ad clamorem communium sunt decapitati.—(T. Wals., 397. Otterb., i. 205.) The trial before his constable and marshal is mentioned by some, but not by T. Walsingham. (Hol., ii. 854.)

[2] Note XX.

pulsion by which it was extorted might be the more conspicuous, he is made to assign his own misconduct and his incapacity for the duties of his station as the ground of his abdication.[1]

The rebellious chief now summoned a Parliament; but, as if conscious that the resignation obtained from an imprisoned sovereign by a subject thus in the act of committing treason could not be regarded as valid, he brought forward thirty-two articles of charge against his royal prisoner, accusing him of various perjuries, oppressions, and cruelties. It was affirmed that these articles were read over to him by Thyrning, the chief justice, but only after they had been adopted by parliament; and certainly he never was heard in his defence by those who undertook to judge him, nor was ever suffered to appear before them, nor even furnished with any information of the charges against him previous to his mock trial. In so flagrant a manner did Henry find himself enabled to outrage all the forms as well as the substance of justice, with the force of his arms, supported by the fury of the populace, and acting upon a timid or obsequious parliament! No voice was raised against him but the protest of Merks, the honest Bishop of Carlisle; sentence was at once pronounced, declaring the crown forfeited, and absolving his subjects from their allegiance to Richard.

Henry now advanced his extravagant claim to the vacant throne. First, he pretended to the inheritance

[1] H. Knighton, 27. Rymer, vii. Rot. Parl., iii.

as grandson of Edward III. But his father was only third son of that monarch, Richard's father, the Black Prince, being the eldest, and Lionel, Duke of Clarence, the second. Therefore, if Richard should die, whose title had been solemnly recognised in parliament, and who had the possession for above twenty years, Lionel's daughter, married to the Earl of March, and her son, the young earl, also recognised by the parliament, became undoubted heirs to their grandfather. Next, he set up a yet more preposterous claim, as being descended from Henry III. through the former Dukes of Lancaster, whom he pretended to represent from his mother. But Richard and the Lady March, or, after her decease, her son, were all descended from Henry III., and all in the male line, unless credence were given to a vulgar tradition, which no one affected to believe, that Edward of Lancaster was the eldest brother of Edward I., and had been set aside on account of his personal deformity, a tale the more notoriously false that Edward was known, both in England and on the Continent,[1] as a man of ordinary aspect and form. Thus, nothing could be more fanciful than the pretensions of Henry, or more gross and flimsy than the device by which he sought to give his usurpation the colour of hereditary right. He was, however, so popular at the moment that the country did not nicely examine his title; and the parliament, either partaking of the same feelings, or

[1] He was chosen King of the Romans, and served abroad with distinction.

overawed by his troops, did not hesitate to accept him as successor to the vacant throne.

The audacity of this prince was guided by the cunning and sustained by the firmness which enables offenders to perpetrate crimes. His disposition was cruel as well as calculating. Beside the murder of the ministers at Bristol, he had in Wales put to death Sir Piers Legh, one of Richard's servants, merely because he remained faithful to his master, and had caused his head to be fixed on a turret at Chester as a warning to all others against siding with the unfortunate King. After he seized upon the crown, a conspiracy to restore Richard was discovered, headed by his uncles. The ringleaders were put to death; and some of them, with all the barbarous torments practised upon persons executed for treason—a punishment only of late years abrogated, but which in modern times used seldom to be inflicted.[1] That Richard's partisans might no longer have any motive for again moving in his favour, the usurper resolved to destroy him in his prison. Traditions differ, as did the belief of men at the time, with respect to the manner of his destruction; but the more probable account is that which represents him as having been starved to death after lingering fifteen days in the anguish of hunger, a plentiful repast being placed before him, which he was not suffered to touch.[2] Men persisted, however, in believing that he was still alive; and Henry, after making his obsequious par-

[1] Note XXI. [2] Note XXII. Hall, 20. Hol., iii. 23.

liament denounce the severest penalties against the propagators of such a rumour, caused ten persons to be executed for this offence, of whom nine were friars, and one a natural son of the Black Prince.[1]

That he displayed as little principle in his religious as in his secular conduct, we have already had occasion to observe. After showing, while in a private station, his opinions to be in favour of the reformed sect, he became the warm partisan and patron of their persecutors, and was the first King of England who stained his hands with the blood of men dying for conscience-sake.

In weighing the merits of men who lived at a period remote from our own age, we are bound to regard the opinions and the feelings prevailing in their day; because, although the great distinctions between right and wrong are eternal, yet the light in which actions are viewed varies, as far as the degree of praise or blame is concerned, in different stages of society; and the historian ill discharges his duty who neglects to take such changes into his account. The crimes prompted by ambition, and absolutely necessary to the compassing of its purposes, have been in all ages too easily excused, or palliated; the success so far dazzling the eyes of the world as to hide the guilt which gained it. In the feudal times, the turbulence of the barons was so ordinary a spectacle, that the crime of civil war created little abhorrence, and indeed the duty towards a chief made the

[1] Note XXIII.

vassal blind to that which his country might more justly exact from him. Even Henry's bloody executions at Bristol and in Wales were likely to be overlooked during his advance upon the crown; but no peculiarity of the time could make men forget, and no struggle in which he was engaged could erase from his own remembrance for one moment, that Richard was his nearest kinsman; the feelings cherished by all the laws, and usages, and manners of the age, made the duty he owed him as the head of his house most sacred; and the same feelings necessarily presented to his mind any violence committed upon the person of his Sovereign as the most heinous of human crimes. The vile fraud by which he was enabled to seize him; the casting him into prison; the mockery of making him abdicate, with an extorted confession of his offences and incapacity; the carrying him about from gaol to gaol; the making him die a lingering death, during the slow progress of which, a daily report must have been received of his sufferings, and of his progress towards the extinction of life; and then destroying the wretched King's surviving natural brother, for the offence of declaring his fond belief that he yet lived—forms altogether a picture of as detestable wickedness as any page of human history has enrolled; and, while none of the habits and prejudices of the age in which the scene was enacted could shut men's eyes to its atrocity, sentiments of singular force then prevailed to make both the great criminal who perpetrated those acts regard

them with the consciousness of peculiar guilt, and strike all who witnessed them with feelings, however stifled, of disgust and horror.

Such was the father of Henry the Fifth; such the steps by which he ascended and kept possession of the throne; such the title by which he made it hereditary. But to that throne the son succeeded without any opposition, or even a murmur from any quarter. He had already become familiarly known to the country by his habits of associating with the people; and he had acquired some celebrity by his conduct in the war against Owen Glendower, having been wounded in the face at the great battle of Shrewsbury. It must, however, be added, that the usurper had not only fortified his title by the proceedings which we have related on the deposition of Richard, but had likewise, at a later period of his reign, obtained a statute, entailing the crown upon his sons by name, and the other heirs of his body.[1] This, indeed, might not of itself have sufficed to make the succession to him peaceable—for he had quite outlived his early popularity; the murder of the dethroned prince had transferred to him the pity once felt for the fate of Gloucester, and to his successor the odium with which that crime had covered himself; and the strong prejudices in favour of hereditary right, only to be conquered by glaring misconduct on the throne, had been revived after the delinquent's death, rendering him who had broken

[1] 7 Henry IV., c. ii.

through the laws of descent exceedingly hateful in all men's eyes. For it is the almost invariable habit of the people to visit upon those whom they have followed or deceived, the faults themselves have been deeply engaged in committing, and to think they can expiate their own offences by a severe retribution inflicted upon their accomplices.

Thus it required all the new Sovereign's personal accomplishments to make the succession as easy and peaceful as it proved. He had been, while a boy, a favourite in Richard's court; nay, was actually with him in Ireland when his father landed;[1] and he had profited by his courtly training. His manners were easy and engaging; his person was handsome, as well as athletic; his skill in the exercises most esteemed at that period was conspicuous; and he had the far more worthy accomplishment of a better education than was usually received by the youth of the age, having, like his uncle Cardinal Beaufort, been brought up at Queen's College, Oxford, partly endowed by his uncle Exeter. His habits, however, had been loose, and his life somewhat dissipated. He frequented indifferent company, for the ease of which, and for the humours also, he had a keen relish; and occasionally he was involved in difficulties, from the riotous conduct of his boon companions; perhaps, too, from his own high spirits and want of reflection. Thus one of his comrades, some have it a servant of his own, being charged

[1] T. Elm., 4. Richard at first imprisoned him on the news arriving; but soon released him.—Otterb., i. 205.

with a grave offence before the chief justice, the prince attended at the examination, and somewhat peremptorily demanded the prisoner's release. The judge mildly besought him to let the law take its course uninterrupted, reminding him that he might apply to the King for mercy. This only exasperated him; he was minded to rescue the offender; but the chief justice sternly commanded him to abstain from so unlawful an act; whereupon he advanced towards the bench with a menacing air, and angrily laid his hand on his sword as if to draw it. The bystanders were amazed, expecting to see some dreadful violence committed. The magistrate alone remained unmoved, and solemnly rebuked him. "Remember, sir," he said, "who you are, and who I am—appointed here to keep the place of your sovereign and your father, him to whom you owe a twofold obedience: Wherefore, in his name, I do charge you leave off your wilfulness, and give from henceforward a better example to them that shall one day be your subjects: And now, for your contempt, go you to the prison of this court, whereto I commit you, there to abide, until the pleasure of the King your father shall be made known."[1] The prince, overawed by the gravity and firmness of this upright magistrate, let go his weapon, and, bowing reverently, suffered himself to be led away by the officers of the court. His retainers, stricken with wonder at his treatment, and still more at his dutiful submission, hastened to

[1] Stowe, 342. Hol., iii. 61. Hall, 64.

lay the matter before the King, who, according to the traditions connected with this passage, blessed God that had given him so honest a judge, and so considerate a son. This, however, is certain, that he lost no time in removing him from the privy council, in giving the place of its president to his younger son, Clarence, and in forbidding the offender his court—proceedings which seem to cast much doubt upon the received accounts of his satisfaction with his son's submission, or at least upon the manner in which he is said to have expressed it.

It must be added to the history of Henry's youth, that the stories which have reached our times, of his excesses, representing him not only as engaged in the riot and debauchery often incident to the early years of eminent men, but as guilty of offences against the law, inexcusable in any station or at any age, are without doubt exaggerated, if they be not wholly groundless. The plays of Shakespeare, who has made him in part the subject of two comedies, and represented him as committing highway robberies with his comrades, have tended greatly to keep the tale alive. The origin of it may be traced to a frolic in which he and his associates disguised themselves, and set upon his own receivers, as they were journeying towards him with their rents. With some struggle, they took part of the money, which he afterwards desired might be deducted from the balance of their accounts, when he let them know by whom they had been assailed and despoiled.[1]

[1] Note XXIV.

But whatever may have been the nature of his youthful sallies, it is certain that on ascending the throne he put on habits befitting a ruler. He dismissed all the companions of his former debaucheries, tempering their disappointment with liberal presents, but forbidding them to approach within ten miles of the court. He called to his councils the ministers in whom his father had trusted, although there was no doubt that their advice had contributed to the coldness, if not harshness, with which he had been treated of late years. He received with much grace, and even favour, the chief justice by whom he had been cast in prison. He paid marked attention to the religious duties enjoined by the church. He showed a becoming zeal for the inculcation of moral habits by the clergy, directing the heads of their order to recommend such exhortations by the priests, as might dispose the people to shun criminal courses, and such examples by themselves as might give their preaching due weight with their flocks. Finally, he set apart a certain time daily for receiving and considering the petitions of his subjects; and he performed the far more important duty of removing judges, and other functionaries, whose conduct was known to be evil, filling their places with men of unblemished reputation.

But before these great merits could be made known, the popularity which he had enjoyed in his father's lifetime, contrasted with the dislike which had attended the latter towards the close of his reign, induced the two houses of parliament to show

a mark of favour never before bestowed on any prince. Three days after his accession, and before he had been crowned, or had sworn to rule by the laws, they tendered him their oath of fealty and allegiance. Finding himself thus secure in his place, and aware of the young Earl of March's harmless character and unambitious nature, which made him, though rightful heir of the crown after Richard's decease, a competitor the reverse of formidable, he liberated that unfortunate prince from the custody to which the late King had consigned him, through jealousy of his hereditary claims confirmed by parliament. He ordered the body of Richard, from whom he had received great kindness, to be removed from Langley Priory, where it had been interred with great privacy, and caused a new and solemn funeral service to be performed over it in Westminster Abbey. The heir of Henry Percy, commonly called Hotspur, had, after the defeat of his family at Shrewsbury, and their subsequent attainder, been carried into Scotland by his grandfather, Northumberland, and remained there ever since. Henry caused the attainder to be reversed, restored the young man to the family titles, and obtained from his brother, Prince John, Duke of Bedford, who possessed them by grant, a surrender of the forfeited estates, in favour of the restored earl. In short, all his acts betokened the generosity of his disposition towards others, and his confidence in his own security.

That the natural goodness of his disposition, how-

ever, only showed itself when, as in these instances, his policy made the indulgence of his feelings little costly, appears abundantly manifest from his conduct towards the captive King of Scots, affording, as it did, a contrast to his treatment of young Percy and March.

1405. James I. had, when a boy, fallen into the late King's hands, by the accident of an English cruizer capturing the vessel which was conveying him to be educated in France. As there was a truce then subsisting between the two kingdoms, no pretext could be framed for detaining the young prince; and the captivity to which he was immediately consigned by the cold-blooded, calculating policy of Henry, broke the heart of the boy's father, Robert the Third. His brother Albany became Regent on his decease, and entered into an agreement with the English King, that on condition his nephew should be detained, the crafty usurper would have nothing to fear on the side of Scotland. Accordingly, James remained in confinement during the remaining seven years of Henry the Fourth's reign. His son, at his succession, found the royal captive still in close custody; and though the good treatment which had been bestowed on him, and the excellent education which he received, mitigated in some sort the evils of his confinement, the touching memorials of the sorrow which he endured remain in his compositions, and attest, if indeed any testimony were wanted, the hardship of such an infliction to a feeling and an honourable mind. But Henry had succeeded to his

father's policy as well as to his crown, and no consideration could induce him to give up so convenient a hostage, or allow the Scottish monarch, thus detained against all law and all justice, to recover his liberty and his throne. James was detained during the whole of this reign, and only suffered to depart in 1424, after a captivity of almost nineteen years, the first twelve of which were passed in close confinement at Nottingham, Windsor, and other places of strength.[1]

But, however blameable we may hold Henry for persisting in the harsh and unjust policy of his father towards the captive prince, he, at least, had the excuse that he only followed in the footsteps of his predecessor; and certainly the strong prejudices of the nation with regard to Scotland and Scotchmen secured him against any censure, if they did not even insure him applause, for not extending to James the same generosity which he had displayed towards others. It thus was his fortune to begin a reign, resting on no hereditary right, with such general favour towards his personal conduct, as seemed to cast into the shade all the defects of his title; and the just claims of his competitor were as entirely forgotten as the indiscretions of his own earlier years, both being alike lost in admiration of his undoubted accomplishments, and esteem for his supposed virtues.

The first difficulties which he had to encounter arose from the conflict between the church and the

[1] Note XXV.

Lollards, followers of the new or reformed doctrines. He had already, before his accession, taken part with the churchmen; and had even been persuaded to join in the petition of 1407, against the mischievous doctrines of which the Lords accused the new sect.[1] The Primate Arundel, who had some years before succeeded Courtney, as well in his extraordinary zeal against heretics as in the primacy, conceiving that he could turn this favourable inclination to benefit the cause of intolerance, set his engines to work in the first year of Henry's reign.

Since the death of Wycliffe, though the numbers of his followers went on increasing, and the cruel law of Henry IV. had not been rigorously executed, yet two examples had been made, as we have seen, those of Sawtré and Bradbie: there was a growing disposition to enforce the statute; and the Reformers, though they retained even with stronger attachment than ever their particular tenets, were inclined to shun public observation, reading their favourite books at home, and hearing their chosen preachers either in the privacy of their families, or in places remote from the concourse of men. But they had still protectors of eminent station, even of considerable influence. Among these was a person of extraordinary virtue, of high rank, and of such accomplishments also as are apt to fix the regards of the vulgar—Sir John Oldcastle, Lord Cobham, a knight greatly distinguished in the wars, a gentleman of unsullied reputa-

[1] Sup., p. 37.

tion for honour, the head of an ancient house, and by right of marriage a peer of the realm. But these qualities, or accidental illustrations, fade away by the side of his noble courage and unshaken faithfulness to his opinions upon the most momentous of all subjects; opinions gravely taken up, conscientiously cherished, maintained to the death. He had in early life been, like others of his rank, given to the indulgences which fortune placed within his reach; but, having become acquainted with the doctrines of Wycliffe, he had ceased to regard anything as important compared with the pursuit of religious truth, the cultivation of a pure morality, and the helping to free mankind from the thraldom of popery, and to cleanse the church of Christ from its pollutions. Filled with kindly feelings, his generous nature could ill bear to see his humbler brethren in the true faith suffering under oppression, and as if afraid of openly testifying to the doctrines which, in common with them, he heartily believed. Endued with a dauntless spirit, and himself incapable of submission where he felt he was in the right, he held forth a helping hand to others less capable of resisting unaided the force of the ruling powers.

His mansion of Cowling Castle, in Kent, thus became the resort of the reformed teachers. Whoever dreaded persecution was sure of a shelter under his roof; and the books of Wycliffe, the gospel treasures unlocked by him to the people, the traditions of his wisdom, the commemoration of his virtues, formed

the habitual subjects of meditation or converse within his hospitable walls.[1]

The steady friendship and the important protection which he thus extended to the sect, as well as the influence of his example, so useful to the progress of the reformed doctrines, not unnaturally excited the jealousy of the church party; and the Primate Arundel was among the first disposed to take the alarm—if he might hope for success, to take counsel also against the formidable adversary. It was resolved to assail him by the new law, to question him closely upon his opinions, and to require an abjuration of all Wycliffe's tenets, under the penalty now denounced against recusants. The crafty prelate saw that his enemy would thus be delivered into his hands; for a refusal to abjure called down the extreme vengeance of the secular arm, while a denial or a recantation ensured the triumph of the orthodox in the disgrace of the dissenter. The Primate's scheme, therefore, seemed skilfully devised; but there lay one serious obstacle in his way. The King, though he leaned strongly against the new sect, and, following in his father's footsteps, was disposed to court the church, had yet so much personal kindness towards Cobham, from early intimacy as well as his natural relish for a character open and fearless like his own, that there seemed no little risk of his support being withheld from the meditated proceeding, if it did not even give him offence. Arundel, therefore, prudently

[1] Note XXVI.

delayed to act until he had sounded Henry. In order, however, to lend the efforts of his priests a more imposing aspect, he repaired to Kensington Palace, then the royal residence, attended by many bishops and a great part of his clergy; stated the charges against Cobham in detail; and received an answer little comporting with a monarch's dignity, much less worthy of a man whose friend, a prince whose faithful servant, was assailed behind his back by the calumnies of interested enemies. Henry dwelt upon the rank of the accused, his peerage, and his knighthood; besought them to deal favourably with him; desired that they would endeavour to reclaim him, "without rigour or extreme handling, if it were possible;" but promised himself to "commune with him, should their impatience brook no delay." Such a feeble and craven intimation satisfied the Primate's party that they were safe in going on to their purpose. Trusting to the royal promise of intervention, they declined taking any further step until that had been performed: Cobham was accordingly called before the King; and it became at once apparent what must be the issue of the whole affair.

They who have approached their sovereign's person, and been graciously, perhaps tenderly, entreated by him, can best tell how difficultly the voice accustomed to command is resisted when it stoops to implore. Chatham felt refusal all but impossible when asked to gratify the King; Cobham had the far more difficult duty of rejecting the royal prayer, kindly

preferred, of which his own safety, not his master's gratification, was the object. Being summoned into the presence, he was addressed with the gentleness which in his early years seemed a part of Henry's nature, and earnestly conjured to save himself by obedient submission and acknowledgement of his faults towards his mother, the Holy Church. But he made at once this memorable answer—"You, most worthy prince, I am ever prompt and willing to obey as the Sovereign appointed over me by God, which bear the sword to punish evil doers, and protect them that do well. Unto you, after him, my whole obeisance is due, and ever hereafter as ever heretofore, with my fortune and my life will I yield me to all your commands in the Lord. But for the Pope and his spiritual power, truly, I owe him nor suit nor service, knowing him by the Scriptures to be Antichrist, son of perdition, open adversary of God, and the abomination in the Holy Place."—The King, unworthy of such a servant, and incapable of estimating his worth, only felt a regal vexation at finding his well meant counsels thrown away, and the request peremptorily refused which he deemed it a singular condescension to have made. In this temper of mind he suddenly broke off the conversation, and dismissed the baron, who returned immediately to his castle at Cowling.[1]

The Primate now once more approached the Sovereign. He found that his object was accomplished; and obtained at once full authority to pro-

[1] Hol., iii. 62. T. Wals., 427.

ceed against the conscientious noble with all the rigour of what were so falsely called the Courts Christian. Lord Cobham was cited to appear before the Archbishop and his clergy, and answer such articles as they should propound; but the summoning officer durst not enter the baron's castle without his licence, and returned without having served the process. The Primate then bethought him of a device which might enable him to use the King's name without his authority. He prevailed upon an officer of the privy chamber to accompany his own; and the man gave Lord Cobham to understand that the summons was issued by the King's permission, if not command. But he seems to have suspected the fraud from the equivocal terms employed by the summoner,[1] and made answer that he "would on no account be consenting to such devilish practices of the priests." The personal service of the writ was now considered to be attended with some danger, and therefore recourse was had to a peremptory citation affixed to the gates of Rochester Cathedral, in the neighbourhood of Cowling Castle. The placards were more than once put up, being immediately torn down and burnt by the people. Cobham was then declared in contumacy for not appearing at the day named in those placards; sentence of excommunication passed against him; and he was again summoned to appear, on pain of condemnation as a heretic enemy of the Catholic church. Before the day came, however, he

[1] *Sompner* he was termed.

drew up a confession of his faith, and humbly presented it to the King, who refused to receive it, desired it might be delivered to his spiritual judges, suffered him to be personally cited on the spot, in the royal presence, and had him afterwards arrested and conveyed a prisoner to the Tower.[1]

On the 23rd of September, he was brought into the Primate's Court at St. Paul's in the custody of the lieutenant of the Tower. Arundel was assisted by Clifford Bishop of London, and Beaufort Bishop of Winchester, the King's uncle. And now began that proceeding, which a Romish historian has not scrupled to describe as exhibiting a contrast of insult and arrogance in the prisoner, with mildness and dignity in the judge.[2] The wonder, however, ceases when we find, by referring to his authorities, that he takes the Primate's panegyric from his own account of his demeanour, embodied in the sentence which he ultimately pronounced. We may further observe, that the proceeding for heresy was the only one believed to be authorized by the prisoner's conduct, and that nothing else was laid to his charge; because, although a vague surmise is thrown out in the sentence of his having used force towards those who opposed his doctrines,[3] it is manifest that, had he

[1] Note XXVII.

[2] Ling. Hist., iii. 335. See Rym., ix. 61. Rot. Parl., iv. 109. There are not fewer than seven self-eulogistic expressions, as "*Nos benigno et affabili modo*"—"*Nos suaviter*"—"*Nos suavi et modesto modo*,"—&c.

[3] T. Wals., 427, adopts this charge, evidently by his language, from the sentence. See Rym., ix. 61.

been really liable to any such imputation, the King would have proceeded against him by the course of the common law.

The trial opened with an address from the Primate, which apprised the prisoner of the charge against him, that of denying the authority of the Anglican church, and holding opinions different from those of the Catholic church, upon the eucharist, penance, pilgrimage, image worship, and the power of the Pope. But the Primate added, that he was ready to grant him absolution, if he would confess and recant. Cobham made no answer, but plucked from his bosom an indenture of two parts, and gave one to the court. The paper contained an exposition of his tenets; and it is impossible to conceive anything more rational or more fair and full. He meets many of the charges in their order, and to each he gives a frank and explicit answer, after solemnly in the outset calling God to witness that, touching the sacraments, he never had refused the assent which he had declared to the dogmas of his church. Sept. 1413.

The interrogatory process now commenced; but first the Primate, after causing the paper to be read, and consulting with his brethren, informed Cobham that, though it contained some good and orthodox matters, the answers were not sufficiently distinct, and that he was required to be more explicit, especially upon his belief in the real presence. He said that he could only refer to the paper for his answer. Being again pressed for further explanation, and re-

minded that all Catholics were bound to acquiesce in the decisions of the Romish church, supported by Ambrose, Jerome, Augustine, and other fathers, he professed his willingness to believe as the church had determined, and as God had commanded; but added, in plain terms, that he would not admit any authority in the Pope, the cardinals, or the prelates, to pronounce any such decisions. On this the proceeding was adjourned, in order that he might be more minutely and stringently questioned upon four several articles, which were afterwards delivered to him, setting forth the Catholic faith, as laid down by Rome.

Upon the reassembling of the court, it was seen to consist of many members not before present, as the Bishop of Bangor, the Archbishop's lay judge, four doctors of law, and several clergymen. The noble prisoner was now once more offered absolution from the sentence of excommunication under which he lay, if he would ask it of the Primate. "Nay," said he, "that will I not of you, against whom I never trespassed, but only of God;" and, kneeling devoutly on the pavement, his hands lifted up towards heaven, he acknowledged humbly his sins, recounting many of them, and praying for mercy. Then, standing up again, he turned round towards the people, and, with a loud voice, bade them take heed and mark well that for all his offences against God's law his judges had never yet reproved him, but only for breaking their own.

The inquiry now proceeded; and first, he was pressed to declare his belief touching the eucharist. He had in his written statement declared it to be under the form of bread—"the very body of Christ, which was born of Mary, was crucified, dead, and buried, and rose again." He repeated this assertion now, referring to the words of Scripture. But the Primate would have him say if the substance of bread remained after the consecration. Cobham repeated his written words, which are in part those of Paschal Radbert, who in the ninth century first gave distinctly the doctrine of the real presence. This, however, would not satisfy the doctors, one of whom said, "No bread, but the body only remains after the words." Cobham reminded another of them that he had himself once disputed at Cowling Castle against this actual presence. But many of them cried out aloud, "We all say it is God's body," and again urged him to declare, "If it contained material bread after the consecration." Some further altercation ensued with the Primate; and when once more they pressed him to say whether, after the words, the bread were not gone and the body alone left, he said, "It is both; it is the very body, the flesh and blood, but under the form of bread, and seen only by faith, while bread is seen by the eyes." Upon this the doctors set up a shout, crying, "It is a foul heresy!" They again asked, if it was material bread; and he, referring to the Scriptures, said, it was the very body and bread too; and all the court cried out, "It is a

heresy!" Much more disputation then took place, which ended in their referring him to the determination of the church and the holy doctors, and his referring them to the Scriptures. "I know none holier," he said, "than Christ and his apostles; with their determination yours standeth not; and if it really be the church's, she has only held it since she received the poison of worldly possessions." Whereupon, they demanded sharply whether he believed not in the decisions of the Holy Church. His answer was little calculated to assuage their wrath. He professed an entire belief in the Holy Bible, and all that is grounded upon it, as the word of God; but their laws and determinations he declared to be those of Antichrist, framed for their own vainglory and covetousness, and not for the glory of Christ. This, they at once exclaimed with great indignation, was the worst of heresies.

The examination then went into various matters comprehended under the heads of the four articles. Much dispute between the prisoner and individual members of the court arose; and the proceeding not only became irregular and disorderly, but seemed to extend indefinitely in length. Therefore, to bring the inquiry within some reasonable compass, Kemp, a doctor of laws, took up the articles and interrogated him upon each in succession.

First, he was again asked if he believed not that the sacramental elements ceased to exist after the consecration; and he answered, as before, that the

bread retained its nature. "Sir," said the Primate, "you must say otherwise." "Nay," said he, "that will I not, if God, as I trust He is, be on my side."

Secondly, he was anew asked if he believed in the necessity of absolution.[1] He admitted the profit of comfort from a priest of godly life and sound doctrine; but affirmed that we ought to fly from all such communion with one, though ordained, whose understanding was defective, or morals impure.

Thirdly, he was required to declare his belief touching the authority of the Holy See as succeeding to St. Peter; and this led him to discourse of Rome, upon which one of the other doctors asked him directly, "What did he say of the Pope?" His answer was remarkable, and often cited afterwards. "He and ye make up the great Antichrist, of which he is the head, you priests and prelates and monks the body, and begging friars the tail that covers the filthiness of both with subtle sophistry."

Lastly, he was asked if he believed in the virtue of pilgrimages and the worship of images and relics; all which he utterly rejected, with many remarks disparaging the use of them to the profit of the clergy.

The Primate then once more exhorted him to retract, and to desist from his offences. He answered that he had not offended them, but they him, in thus harassing him before the assembled multitude. "None otherwise," said he, "will I believe than I have told you hereafore. Do with me what you will."

[1] Of being shryven to a priest ordained.

Hereupon the Primate stood up, as did all the clergy, uncovered, and all the lay people uncovered in like manner, while the sentence was pronounced by the Primate. He set forth the particulars of the examination, and in the name of Christ, and appealing to him that the only motive of the judgment was his glory, and for preventing the prisoner, already bad, from becoming worse and infecting the people, condemned him as guilty of detestable heresy, delivering him over to the secular arm.

If any one should imagine that the repeated attempts made during this tormenting interrogatory to draw from the sufferer a denial, or recantation, betokened the least kindness towards him, it must be observed that the object of those efforts was not to justify the court in absolving him, but to obtain for themselves a triumph over his expected apostacy. They well knew, it is true, with whom they had to deal, and could have but faint hopes of any such result. But then they were at least secure of giving their proceeding some colour of reluctance to condemn, if not of compassion towards their victim; and accordingly we find the sentence couched in the language of self-laudation, yet throughout recording the attempts made to shake the prisoner's contumacy, and trepan him into a confession of his error.

The vexation of the proceeding, independent of its issue, was most justly complained of by the illustrious accused. For many hours, on two several

days,[1] he was kept under the close questioning of prelates, priests, doctors, and lawyers—men deeply skilled in all the learning and all the subtleties of the metaphysical theology. Their interrogations were pressed upon him in every form; the subject of them was not any matter of fact, but only his own opinion and belief. Upon the answers he might give depended his fate; and not only was he compelled thus to furnish proof against himself, but the purport of his statement was to be judged by the court, and his guilt or innocence was to depend upon the opinion which they might form of his doctrines. Then the judges, or rather inquisitors, who were thus to weigh his merits, were so far from being impartial that they represented the party against whom he had thought, and spoken, and acted—the party who for their own interest, the cause of their spiritual order and temporal emolument, had put him upon his trial. The multitude of his adversaries assembled to judge him were supported by a surrounding multitude of their retainers; the court-house was filled with clerks, and canons, and friars, and parish clerks, bellringers, pardoners, in short, all who were sure to feel the most violent prejudice against him, who regarded him as their implacable and powerful enemy, and, adding spiritual to secular bitterness, "derided him," we are told, "with innumerable mocks and scorns, reckoning

[1] The day seems to have been far spent on the second examination; for Dr. Kemp speaks of "the day passing away."

him to be a horrible heretic, and a man accursed before God."[1]

But all this dismayed him not. The sentence itself he heard with an equal mind. With a cheerful countenance he addressed the court in a few but solemn words: "Though ye judge my body," said he, "which is but a wretched thing, yet I am sure ye can do no harm to my soul. He that created will, of His infinite mercy, save it according to His promise, by whose eternal grace I will stand to what I have rehearsed, even to the very death." Then, turning to the people and spreading out his hands, he bade them be well aware of these men, who would lead them to their perdition, blind leaders of the blind. When he had ended, falling on his knees and raising his hands and eyes to heaven, he prayed for his persecutors: "Lord God eternal! I beseech Thee, for Thy great mercy's sake, to forgive my pursuers, if it be Thy blessed will!"

Surely, whether we regard the greatness of the occasion, a strenuous fight with the arms of reason, piety, and faith, against the most pernicious error, the most enormous abuse—or the condition of the party, both in his worldly and his religious capacity—or the noble demeanour, the signal ability, the unshaken fortitude displayed by him in the most trying circumstances, when exposed to the greatest earthly peril without any thing like a crime or even fault laid

[1] Bale, Harl. Mis., ii. 263.

to his charge, and cheerfully sustaining himself when assailed by the united oppression of unlimited regal power and unmeasured popular obloquy—we must allow that history presents for our reverent admiration few passages more striking than this.

When the sentence was passed, which under the statute[1] was one of death, to be inflicted by the sheriff, the prisoner was conveyed back to the Tower. The Primate still hoped to extort a recantation from him by the fear of an impending punishment; and willing, at the same time, as he had been throughout the trial, to make a false show of compassion for his victim, when he delivered his certificate for the execution, he desired the King to postpone it for a short period. A respite for six weeks was accordingly granted. This interval the priests employed in circulating a fabricated confession and retractation pretended to come from Cobham, but drawn up by them for the purpose of disheartening his followers and imposing upon the rest of the people. It does not appear that this weak invention of his persecutors ever came to his knowledge; but he found means to escape from his confinement, and appears to have forthwith fled towards Wales, where he had partisans, and might hope, from the difficulty of the country, to maintain himself in safety.

Soon after his flight, a concourse of people, said to

[1] De Heretico comburendo, 2 Henry IV. c. 15. Unless the sheriffs had been summoned to attend the trial, which it was optional in the court to do or not, a writ of execution was issued from the crown upon the bishop's certificate simply.

be principally Lollards, took place in the fields near St. Giles's, close to the city of London, on the Sunday evening following Epiphany. The King was then keeping the festival of Christmas at the residence of Eltham, in Kent, and he is supposed to have beforehand received secret information of the intended assemblage, with an account, probably exaggerated if not false, of its purpose; for he suddenly removed without an escort to his palace at Westminster. The mob collected in the night; whether to hear one Beverley, a favourite preacher, or with riotous intentions, still seems doubtful. The King was strongly advised not to act against them until daylight should enable him to distinguish friends from foes. This suggestion, however, he disregarded, being apprehensive, from the statements made to him, that the people, if not immediately opposed, might destroy the monasteries in the capital and its neighbourhood. With such force as he could collect, therefore, he repaired soon after midnight to the ground, and there took post to await the daybreak. He adopted the further precaution of ordering the gates of the city to be shut, as he had been told of an apprehension entertained that there might be a rising of the serving-men and apprentices. Thus none were allowed to leave the walls but such as went to join him. But it happened that some persons from the country, who were supposed to intend joining the mob, mistook their way, and coming to the King's quarters were taken and sent to prison. This spread a panic amongst

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the rest; for it was rumoured, say the accounts, that the soldiers were in great force; and the multitude are represented to have been further discouraged at finding that they were not joined by the citizens, as they had expected. There was in consequence a general dispersion in all directions; some were taken, some slain, and the riot, if any there had been, was effectually quelled. On being asked whom they intended to join, the prisoners said, Lord Cobham. This gave rise to a belief that he was their leader, and that he had escaped; but no tradition represents him as ever having been present. A reward, amounting to nearly 8000*l.*, was offered by royal proclamation for his apprehension; and the promise even went to the unheard-of length of perpetual exemption from tallage and all other imposts to any town in which he might have taken refuge and which should deliver him up.[1] It is hardly necessary to add, that none ever claimed these rewards; probably no expectation of such a claim was entertained. There can be no doubt whatever that Cobham was still in Wales. No one has ever pretended that any act of riot or any disturbance of the peace took place, or that any noise or even outcry was made, or in short, that the people assembled ever did or said any thing whatever. It is confessed that the soldiers were made to act

[1] Rym., ix. 90. The sum offered was 1500 merks, equal to 8000*l.* of this day. The answer to the question whom they meant to join, proves nothing unless we knew the very terms of the question. Suppose, as is very likely, it was, "Who is your leader?" and that they only came to hear Beverley preach, they would say, "Lord Cobham."

against them in the dark, and it has never been asserted by any one that those troops met with the least resistance.

No time was lost in bringing the prisoners to trial. A special commission was issued for that purpose, directed to judges, the lord mayor, and others; it bears date the very day laid in the indictment as that on which the alleged riot took place, namely, the 10th of January; and on the 11th, as we learn from the royal proclamation against Cobham, the convictions had taken place. The only persons whose names have reached us are Sir Roger Acton, a man of parts and fortune; Mr. Browne, a gentleman of family; and Beverley, the preacher. All were sentenced for both treason and heresy. In what way they were tried for the latter no where appears, nor have we any account of the trial under the commission; but on all was inflicted capital punishment, and some were burnt as well as hanged. The numbers who suffered are stated with some variation by different writers, but no one makes them amount to more than thirty-nine, or less than twenty-seven. The 24th of January was the day on which this sanguinary execution in these very suspicious circumstances took place. The pretence set up in the indictment of twenty thousand men being assembled is plainly a fiction; not above seventy were taken, though no resistance was offered; and such a large body would not have taken flight merely because their expected succours from the city never arrived; nor would

there have been the entire want of proof against the people under which the whole case so signally labours.

The obscurity which hangs over all the circumstances of this popular movement extends not more to its suppression and its consequences, than to its object and design. The only contemporary author who touches with any particularity upon the subject, states little or nothing with certainty; and even though strongly disposed to take part against the Lollards, he only gives the matters which he relates as current rumours. A plot deeply laid to kill the King and all his brothers, the great lords, prelates, and abbots, is the grave offence of which he says they were accused.[1] Later writers have asserted that the offence of Sir R. Acton and Browne was the having aided Cobham[2] in making his escape from the Tower; while the concourse in St. Giles's Fields was only to hear Beverley, the open resort to a conventicle being at that time prevented by the active measures of the Primate. But whether there was any riotous meeting or not, it seems to result fairly from an attentive examination of whatever has reached us upon the subject, and especially of the proceedings connected with it, as they appear on record, that few questions of historical controversy are more free from reasonable doubt than this, and that every view leads to the disbelief of any treasonable conspiracy

[1] T. Wals., 431. T. Liv., 7. T. Elm., 31.
[2] Hall, 49. Hol., iii. 63.

and any rebellious assemblage; while the bitter hatred of the ecclesiastics towards the new sect eagerly caught at any semblance of a turbulent movement for inducing the court to make common cause with themselves against the Reformers, and treat heretics as rebels.[1]

Although it will be anticipating events which happened somewhat later, there is a manifest convenience in here bringing Lord Cobham's story to a close. He appears to have thrown out some threats against Lord Abergavenny, who had been engaged in persecuting the Lollards; but he, having intimation of their intention to molest him, collected a considerable force near Tewkesbury, and secured some of them. These he put to the torture, in order to discover the place in which their leader was supposed to have a collection of arms and money; and, by means of their cruel sufferings, extorted from them the confession that in the walls of a certain house there was a place of concealment. It is not stated distinctly that any money or arms were found, but only that there was discovered a banner with a cross and the sacramental elements painted upon it. No trace was found of Cobham.

The persecutions of the sect continued under Chichele, who succeeded Arundel in the primacy; and one William Clayden, for giving holy orders to his own son, and making him celebrate mass on his wife's recovery from childbed, was cited, interrogated, and

[1] Note XXVIII.

publicly burnt in London as a heretic. Indeed, the unsparing exercise of persecution, in its most cruel shape, forms the melancholy and disgraceful characteristic of Henry's reign. During the first four years the severities thus witnessed only led to the Reformers worshipping in secret, and their vexation when detected. But, as tyranny is ever suspicious, especially when it assumes the habit, so natural to it, of cruelty and injustice, these objects of oppression were objects of suspicion also, and it was easily believed that men would exact vengeance if they could, who had so good ground of resentment. Hence it was usual to impute whatever discontent broke out in any quarter, especially if followed by a disturbance of the peace, to the Lollards and their chief. Thus the Scots attacked Roxburgh, and were instantly repelled; but it was immediately said that Cobham had made them undertake this inroad during Henry's absence in France, bringing with them the person who was supposed to be Richard living in Scotland, and that Cobham had held a conference on the subject with William Douglas, at Pontefract. This story rests upon a most improbable rumour current at the time; for nothing can be less likely than his exposing himself to the risk of capture by coming across the island, and to one of the most important strong places of the crown. At the same time he was reported to be concealed in a peasant's house near St. Albans. The abbot had it searched, but Cobham was not found. The rumour adds, that

some of his followers, acquainted with his schemes, were secured, and that he was sorely grieved, lamenting the discovery and defeat of his great project: a story manifestly impossible to be true, as he had escaped, if he ever was there. Besides, no proceedings were ever taken against his supposed followers; nor were they, like the Welchmen, compelled by torture to confess. The foundation, however, of the whole fable is plain enough. The abbot found in the poor Lollard's house some missals, or mass books, with the images defaced, and the Virgin's name erased. These he sent to the King, who handed them over to the Primate, in order that he might influence the minds of the people against the Reformers, by exhibiting in his sermons such proofs of their hostility, not merely to the images, but even to the names of saints.[1]

A real event, however, and one that led to disastrous consequences, was approaching. Early in the winter of 1417, the Lord Powis, getting scent of Cobham's retreat, set upon him with some men, and they succeeded in taking him, after a resistance in which he was wounded somewhat severely. The parliament was then sitting, and desired not to be dissolved until he should be brought before them. This was done; and the wounded man, being conveyed to London in a litter, along with his chaplain, was placed at the bar by Powis. The record of his outlawry for the St. Giles's affair, and the sentence for heresy in the spiritual court, were then read,

[1] Note XXIX.—Hol., iii. 92.

and he was asked if he had anything to say why execution should not pass upon him. He appears to have disdained making any reply, though the Chronicles mention his having entered upon his favourite topics of doctrine, recommending his judges to imitate the divine attribute of mercy; and add, that he was somewhat rudely interrupted by the chief justice, as wasting the time of the Lords, and giving them trouble. The sentence was then passed, in the form of a bill from the Commons, assented to by the two other estates, ordering him to be forthwith hanged, and to be burnt before the executioner had deprived him of life. The story added, of his having declared that they should not judge him as long as his lawful sovereign, Richard, now in Scotland, was alive, is destitute of all probability; but indeed the bill making no mention of it, though it recites the proceedings against him, is decisive that the whole was a fiction.[1] The outlawry, such as we have already described it, was recited in the act as well as the ecclesiastical sentence. But the punishment was plainly awarded on the latter; for the act expressly says, he was "adjudged to die, as a traitor to God and a heretic, condemned by sentence of the Spiritual Court;" and only adds, "and as a traitor to the king and kingdom," without referring to any judgment, or even to the outlawry which had been before recited.[2]

[1] Note XXX.

[2] T. Wals., 447.—Rot. Parl., 5 Hen. V. 11 (iv. 107).—Julian's "Chronicle of England" says, "he was hangyde and brent, and alle for his leuednesse and fals opinyones."—P. cxvii.

That outlawry, beside the circumstance of the dates already mentioned, laboured under this great defect, that Cobham, having fled, could have no notice before the day of the trial, because this was hurried on immediately on the special commission being issued; and as the alleged riot was on the night of the 7th of January, at the earliest, and the conviction was over on or before the 11th, and as no bill could have been found before the 9th, the default could only have been by not appearing on the 10th, to answer a bill found the day before; and, therefore, he had but one day to receive notice of the indictment, and reach London to meet the charge. But indeed nothing can labour under greater suspicion than the whole affair, and historians have not scrupled to deny that there ever was either an actual trial or a genuine record made up at the time.[1]

On the morning of Christmas, the day appointed for his execution, Cobham was led forth from the Tower, with his hands tied behind his back; he was placed upon a hurdle and drawn to the gallows erected in St. Giles's Fields. There, being taken out, he fell down on his knees devoutly, and begged the divine forgiveness for his enemies. Then standing up, as he beheld the multitude, among

Dec. 1417.

[1] The learned editor of the State Trials, Mr. Howell, regards the whole as a forgery; and he appears to think it of less ancient date than the times in question. But the record, if fabricated, plainly existed in 1417, for it is recited in Rot. Parl., iv. 107, which Mr. H. had not seen. There is much probability in the supposition that it was forged for the purpose of Cobham's sentence.

whom there were many persons of distinction, he addressed to them a few words, earnestly exhorting them to follow the law of God contained in the Scriptures, eschewing the evil ways and evil counsels of teachers unchristian in their lives. Being offered the assistance of a priest to confess, he scornfully refused it; adding, that were the apostles themselves standing there, even to them would he not confess: "For God," said he, "is here present—to Him alone will I acknowledge my sins—from Him alone ask or expect pardon." The annoyance given by his persecutors moved him little, the preparations for his torture not at all. The barbarous sentence was then executed, but not with humane despatch. He was hanged up by the middle in an iron chain, and burnt alive while thus suspended; his body was consumed to ashes. His last words were heard to praise God with pious fervour, into whose hands he resigned his soul with his latest breath. The surrounding multitude showed the greatest affection towards the illustrious sufferer, loudly bewailing his fate, and putting up prayers for him; which the priests vainly sought to check or to stifle, by telling them that he had departed this life under the curses of the church, and in resistance to its head. Nor ceased they to slander his memory. They invented a story of his having told the Lord Erpingham that he should rise from the dead in three days; a folly which, had he committed it, would only have proved that his reason had been subdued by his sufferings; but nothing can

be more improbable, and nothing more inconsistent both with the whole tenor of his rational, manly life, and with the calm fortitude which he displayed at its closing scene.[1]

The fate of this great man certainly stamps an indelible disgrace, both upon the age adorned by his virtues, and upon the prince under whose reign and with whose entire assent he was made the object of such unrelenting persecution for conscience-sake. Had he been guilty of the acts imputed to him, and resisted a government which so cruelly treated both himself and his numerous brethren, solely because of their honest difference in opinion with the clergy, all reasonable men would have acquitted him of blame, and there would only have been wanting the accident of success, to the enrolling his name, through all ages, among the most illustrious deliverers of mankind. But there exists no evidence whatever that he had infringed any one temporal law, or committed any offence inconsistent with the peaceful principles which he professed of obedience to lawful civil authority; and it is a part of the flagrant injustice which the priests dealt out to him with the concurrence of Henry, that, not content with condemning him as an enemy to the Pope, they also held him up as a traitor to the King. They thus hoped to gain two ends; both to divide the Reformers, many of whom might approve of his doctrines without joining

[1] T. Wals. only says, "prout dicebatur." Hist. Ang., 448. Ypod. Neust., 198.

in his resistance, and to secure the support of the crown in destroying any obnoxious Reformer as a common enemy.

We may now resume the earlier part of Henry's history, and follow him in those exploits which have been the theme of unbounded praise from historians, ever prone to corrupt the rulers of the world with unreflecting and even unprincipled panegyric.

His father had closed a life stained with great crimes, yet remarkable for the display of uncommon sagacity, by an act well suited to the rest of his career, and betraying a disposition at once crafty and unscrupulous. He left an earnest request to his son, that he should not suffer his dominions to remain in peace, but keep his turbulent subjects, especially the barons, their chiefs, always employed in foreign war. This counsel fell upon a congenial soil, and the new king did not allow many months to pass before he showed that the usurper's dying words had not been spoken in vain. The state of France at this time was such as might well excite compassion in any one of ordinary humanity, and prescribe forbearance even to an enemy. Torn by factions, exhausted with civil war, presenting the sad spectacle of an imbecile sovereign generally deprived of his reason, whose nearest relatives were bent upon exterminating one another, to seize the sceptre though they ruined the country; finally, as if all the bonds of society were loosened, given over a prey to the savage domination of mercenary ruffians banded together for the work of pillage

and blood—surely so lamentable a condition, if it failed to excite pity, could only allure the most hard-hearted and the most sordid of assailants.

Henry, on his accession to the throne of him whose parting advice we have been recording, saw the scene with other eyes than those of compassion; and, in less than half a year, he had preferred a claim to the French rulers which only their unexampled embarrassments could induce any one of sound mind to urge forward, and which even those embarrassments could not prevent from appearing ridiculous in all men's eyes. He demanded the entire and absolute cession of the kingdom of France, with all the rights appertaining to its sovereignty; or, if that were denied, then, protesting that he in no wise relinquished his claim of right by consenting to take anything less, he required, under threat of hostile operations, the immediate possession of nearly one third of the country, the hand of the King's daughter, and a portion with her amounting in value to above two millions sterling of our present money. This preposterous announcement, instead of being treated with disdain, as it must have been at any other time, now only produced an offer from the French court, too sadly showing the deplorable extremity to which their country was reduced—an offer of less, indeed, than had been required, but still of valuable and extensive provinces, of the princess's hand, and of a larger dower than had ever before been given, exceeding three quarters of a million of money at the

present day. A negotiation then took place, protracted by Henry, with repeated promises of keeping himself single from month to month, in order to give the French a hope of accommodation, and gain time for preparing his means of attack. It seemed, indeed, at one moment, as if the plan of proceeding to violent extremities had been abandoned; for, after nine months had been spent in embassies and discussions, the parliament, which met at Leicester towards the end of the following spring, was not even asked for the usual subsidy, a tenth and a fifteenth. Bishop Beaufort, the King's uncle and chancellor, only addressed to it a speech upon the dangers that threatened the church from the Reformers, against whom he required new laws to be passed.[1] April 30, 1414.

But at this critical juncture it happened that a measure hostile to the clergy, which had been proposed and rejected at the end of the last reign, was again brought forward by the friends of the new sect. The seizure of the lands and the tithes belonging to the prelates, as well as those of the monasteries, was either pressed in a petition of the Commons, or broached in their house with good prospect of success. The clergy took the alarm, and, conceiving that nothing could better turn aside the storm they were threatened with than engaging the King and his nobles in the French war, towards which he had already betrayed so strong an inclination, and which

[1] Rot. Parl., 2 Hen. V. 1. (iv. 15).

they at any time were sure to relish, no pains were spared to encourage these propensities, and give the most flattering support to the extravagant claim which had been advanced. The old writers are very prolix in their accounts of the long harangues made by the Primate Chichele (whether in the Lords' House, or at a council, is somewhat doubtful), defending the King's title to the French crown, exhorting him by all means to assert it with force of arms, promising him assured victory, and offering an ample contribution from the clergy towards performing this Christian work. Lord Westmoreland, warden of the Scottish marches, admitting the prelate's argument on the point of law to be irrefragable, rather counselled an invasion of Scotland as the proper preliminary to the conquest of France. But he was answered by Exeter, the King's uncle, who regarded the French invasion as involving in its expected success the fall of Scotland also. It is plain that this was the King's own opinion; he had probably never laid aside his project, though its execution was deferred; and the reasonable presumption is rather that the result of the discussion confirmed him in designs already formed, and hastened his contemplated proceedings, than that it set him upon a scheme which would not otherwise have been entertained.[1]

It must be remarked that there never was any argument more inconclusive, more absurd, nor ever a

[1] Hall, 49. — Hol., iii. 65. — Fabyan, 578. — Polych., cccxxix. — Goodwin, 42. — Duck's Life of Chichele. — Note XXXI.

position more entirely untenable, than that which the Primate maintained, and which indeed formed the whole ground of Henry's pretensions. The Salic law, it was said, perhaps truly said, has not excluded women from the French throne; for its only text bearing on this point is the provision against a woman inheriting Salic land, and that is no description of France,[1] but of a Germanic territory. But besides that the general adoption of the principle in practice for ages supersedes all argument upon the letter of the written law, especially in a great question of constitutional right, if women were admitted to be entitled, there were at least four families whose claims must needs come before those of Henry. He deduced his title from Isabella, mother of Edward III., his great-grandfather; but her younger brothers, Charles the Fair and Philip the Long, both left daughters, and those daughters had sons; and her eldest brother, Louis X. (Hutin), left a daughter, Joan, who actually succeeded to the crown of Navarre, because from that succession females are not excluded. Thus far his title had all the incurable infirmities of his great-grandfather's. But it had another, if possible, more fatal still, and which wholly displaced him, even if Edward III. were admitted to have been the rightful heir after Charles IV. (the Fair), and the branch of Valois were shut out. Edward's undoubted heir was Richard II.; and he had never been deposed in France. But even if he had abdicated the French

[1] Brougham's Pol. Phil., part i. ch. xi. (vol. i. p. 366).

throne as well as the English, the Earl of March was the next in succession, not Henry, and there existed not the shadow of a pretext for holding him to be set aside. This pretension of Henry, therefore, may safely be said to stand, if not at the very head, yet high among the number of the most untenable claims to sovereignty that have ever been fashioned by ambitious and unprincipled men, who oftentimes pay homage to public opinion so far as to cover over their acts of mere violence with some delusive semblance of right.

The alarm which led the clergy into these reasonings, and inspired their exhortations, proved groundless. The parliament held at Leicester took no measures against church property, such as were apprehended; for the only aid given to the King at their expense was the forfeiture of priories held by aliens, an abuse which the English priests had no mind to defend. But it appears[1] that they failed in an attempt to proscribe the Wycliffe doctrines and prevent the circulation of the Scriptures by enactments of extreme rigour; for the only statute on religion made in this session was one forfeiting to the crown the estates of all persons convicted of heresy, whether they suffered or escaped the sentence of the law, and directing that all judges and other magistrates should take an oath to aid the prelates in extirpating heresy.[2] But about this time Henry made a conspicuous display of his zeal for the church by founding three monasteries

[1] Rot. Parl., iv. 22. Note XXXII. [2] 2 Hen. V., c. 7.

near his residence at Sheen; and two of them were for Augustines and Carthusians, orders whose rules are peculiarly severe.[1] In these foundations he was both influenced by his desire to please the clergy, and guided by the manifest policy of discouraging the prevalent disposition to attack the friars, especially the Mendicant orders. Hence the preference given by him to the stricter classes, and hence his endowments, which were liberal, and fully sufficient to preclude all dependence upon the bounty of the faithful.

Although the favour of the church encouraged and assisted his ambitious views, he had before taken, and he continued to take, such part in the troubles of France as seemed most conducive to the success of his schemes. Pursuing his father's policy of allying himself with the weaker faction, in order to prevent the formation of a strong government which might restore tranquillity, he commenced a deep intrigue with the Duke of Burgundy, Jean Sans Peur, leader of the party most formidable to the peace and the prosperity of that unhappy country, though excluded generally from a share in its government. This prince, whose crimes have rendered him, in the detestation of all mankind, almost a match for our third Richard, was covered with infamy of every description. He had first influenced the fury of the mob at Paris against the measures of his cousin, the Regent Orleans, brother of Charles VI., and charged with the government during his insanity. He had then for a

[1] Otterb., i. 275.

length of time maintained in the country a civil war, attended with even more than the usual horrors of that grievous calamity. An accommodation, however, with Orleans, he was compelled to make; and nothing could exceed the outward appearance of cordiality which his whole demeanour towards his kinsman displayed, except the deep hatred which rankled in his heart towards that rival for supreme power. In the midst of the most familiar and daily intercourse, he treacherously set on assassins, who murdered Orleans in the streets of Paris, with circumstances of aggravated cruelty. Forming one in the funeral procession, he bore the pall, and endeavoured, by his ostentatious display of grief, to turn men's minds aside from the suspicions which naturally filled them. A strict examination, however, of his palace, as well as those of the other princes, was ordered by the government, whereupon he anticipated the discovery of his guilt by openly avowing that the murder was his work; and he shocked all the feelings of mankind by the unheard-of audacity with which he pretended to justify this execrable crime, setting up an infamous doctor of the civil law to accuse Orleans of various offences, and to maintain that it was lawful for any one to destroy him. The name of this venal wretch has been justly preserved, for the hatred of all ages,—Maître Jean Petit. Afterwards, by the aid of the populace, and of judges acting under the influence of mob intimidation, he put to death the chief minister of the crown and other

persons of the Armagnac party.[1] But while the three sons of Orleans lived he felt himself insecure, and he plotted their assassination when they should appear at a meeting which they were expected to attend. They escaped by the timely warning which his favourite counsellor Des Essarts, shocked at the project, conveyed to them; but that individual, for his humanity, soon fell a sacrifice himself to the duke's vengeance; and in one of the sudden changes which more than once placed this idol of the mob at the head of affairs, he by their help alternately filled the prisons with his victims of all ranks, and emptied them by his massacres, now on shore, now on the river, with an unsparing use of torture when the unhappy captives were dispatched in his dungeons.[2]

With this bloodthirsty wretch, whose courage and capacity, however, no one ever denied, Henry the Fourth had declined to form an alliance; not, we may be well assured, from any particular abhorrence of his crimes, but because he appeared to be by much the most powerful of the French chiefs, whose profligate ambition was thus tearing their country to pieces; and the sagacious usurper deemed it his best policy to avoid increasing the strength of any party with whom he might one day have to cope. His son, now that the Burgundian had become less formi-

[1] The Orleanists were so called from their captain, D'Armagnac; the Duke of Burgundy's (John's) were called, from him, the Bourguignons, or Burgundians.

[2] Monstrel., ch. xxxvi.—Note XXXIII.—Mer., i. 1001.—P. Dan., vi. 469.

dable, hoped to point what remained of his power in a direction suited to his own views, and willingly entered into negotiation with him, though some unforeseen accident prevented any alliance being formed. It is quite certain that he could not have concluded with this unprincipled man such a treaty as both parties appear to have had in contemplation, without the most signal bad faith towards the French court, to whom he was all the while pretending an earnest desire for the amicable termination of their differences. But it is equally clear, and beyond all controversy, that he entertained Duke John's proposals, that he even negotiated for the hand of his daughter, Catharine of Burgundy, at the very time he was binding himself, month after month, to marry none but Catherine of France; and that he acted in this intrigue with a duplicity little consonant to the ideas commonly entertained of his open and generous character.[1]

But Henry's main reliance for the success of his schemes was placed on his own preparations for war, and on the crippled state of the country which he designed to attack, and which presented a remarkable contrast to his own dominions, flourishing in the enjoyment of perfect tranquillity, under a government quite united, undisturbed by any faction. At the parliament of Leicester held in spring, as we have seen, his measures were not sufficiently matured to permit any open avowal of his

May, 1414.

[1] Note XXXIII.

intentions, so that not even the ordinary subsidy was asked. In the session held at Westminster towards the end of the year his designs were fully unfolded. The Bishop of Winchester, as Chancellor, again addressed the two Houses, and preached a kind of sermon, which, according to the fashion of the age, held the place since occupied by the speech from the throne. He took for the subject of his discourse the text, "While it is time, let us work well." He said that, as a tree is first planted, then blossoms, next bears, and afterwards reposes, so man has allotted to him time of rest and time of labour, time of peace and time of war; and he showed how God having blessed the country with perfect tranquillity and a good cause of war, there were not wanting the two things most essential to the defeat of the enemy. But from this doctrine he drew a practical inference, what the preachers term an "improvement," that three things were necessary for accomplishing the King's purpose of recovering his French dominions wrongfully detained—sound counsel, stout help from the people, and plentiful subsidies in money by the Parliament to be granted. Of this mind entirely were his hearers; they immediately gave the extraordinary aid of two-tenths and two-fifteenths; and this was the only business of a public nature transacted during the session, being indeed the only occasion of the meeting, except that the King was also empowered to make orders respecting the adulteration of the coin, which should have force

Nov. 1.

until the next parliament.[1] As he raised in the course of his reign the pound of silver from twenty to thirty shillings, a debasement of fifty per cent. in the coin, it is probable that the power thus conferred upon him was abused to this extent.[2]

About the same time a council of prelates and barons was held, at which was made an ordinance that no foreigner should, without the King's special licence, be promoted to any benefice or degree, and the clergy in convocation affirmed it. This proceeding, wholly destitute of legal validity, was a consequence of the act passed at Leicester the spring before, and Henry is said to have seized by these means into his hands 122 alien priories. The Convocation at the same time appointed delegates to represent the English clergy at the Council of Constance, then about to be assembled, for the purpose of terminating the great schism in the Church. But the King also sent a numerous embassy of peers and prelates to represent himself there; and when it was some time after decreed at Constance that, Gregory XII. being required to resign the papacy, and Benedict XIII. being called upon also to renounce, John XXIII., for whom England had declared, should be deposed and excommunicated in case he resisted, occasion was taken by the English Convocation to seize the money collected for him, and deposited at St. Paul's, ready to be remitted. From the excellent terms on which Henry then was with his clergy, there can be no doubt that this sum was

[1] Rot. Parl., iv. 34. [2] Hol., iii. 68; T. Wals., 433.

transferred to him as their gift towards the exigencies of the war.[1]

Advantage was taken of the council assembled at Westminster for ecclesiastical purposes, to obtain the concurrence of the barons in the preparations which were now making for war. To the barbarous passions and turbulent habits of those men nothing could be more congenial. They had not lost the recollection of the great victories which half a century before gave the English arms, first in the north and then still more in the south of France, a renown only equalled by the misery they occasioned to both countries; and, as oftentimes happens, they fondly dwelt on those events, passing over the ruinous defeats by which they had been followed at the close of the Black Prince's life. It might even be said that the civil commotions in which the barons had subsequently engaged under Richard and the usurper bore a meaner character, if they were less inexcusable, than the aggressions of national violence at once cruel and sordid upon an unoffending neighbour. But at all events those half-civilized chiefs paused not to weigh such motives and such merits in the scales of justice. War was the guilty and disreputable occupation of their rude lives; and a war with France in her present exhausted condition promised both rich plunder and martial fame, the two great objects of their habitual desires.

Accordingly, when the King applied to them for

[1] Rym., ix. 167. T. Wals., Hist., 433. "Pecunia apud Sanctum Paulum, in cistâ deposita, extracta est, melioribus usibus destinata."

their support, first by his address at the council, then by his exhortation in Parliament, and soon after by his proclamation summoning all the tenants in chief of the crown to join his standard, he not only received ample promise of assistance, but the great lords hastened to equip their retainers, vying with each other in the numbers and the appointments of the force which they brought to his command. Some, as Northumberland and Westmoreland, raised each as many as forty men at arms, or cavaliers, with a hundred and thirty archers.[1] But a feudal army, never much to be depended on, could now no longer be regarded as any solid provision for a foreign expedition. The King therefore had recourse to the plan of raising men, as had of late years been the practice, partly by compelling the counties to send reinforcements, and partly by the more modern method of recruiting. He further sent persons whose discretion and zeal he could trust to hire vessels in Holland and Zealand,[2] appointing them to rendezvous in London, and in some of the Cinque Ports. He strictly prohibited in the maritime towns the exportation of gunpowder; laid an embargo on all vessels of above twenty tons burden; gave leave, in many instances, to impress seamen for manning them; and made all the preparations for carriages, stores, arms,

[1] Rym., ix. 218-238. A cavalry soldier's pay was 1*s.* a-day in money of that time, or 1*s.* 6*d.* of our coin, but five times as much in value. (Royal Household Book, published in 1790 by Ant. Soc., p. 9.) The sum of 1*s.* given therein temp. Ed. III. was 1*s.* 6*d.* temp. Hen. VI.

[2] Rym., ix. 216.

which the low state of the arts at the time and his narrow pecuniary resources allowed. Yet how inadequate the condition of those resources was to any great and costly undertaking we may perceive from this—that his treasure, the accumulation of his father's avarice and extortions as well as his own financial efforts, only amounted to 200,000*l.*, equal to about a million and a half of our money at the present day; that he was obliged to mortgage the customs of some ports for a trifling sum of 62*l.* (480*l.* of our money), borrowed from a merchant at Lucca; that he actually pledged to different creditors for further advances, or to secure the pay which might become due to the lords with their followers, his greater pieces of plate, the crown jewels, and even the crown itself.[1] He then held a council of the chief prelates and peers, called by special summons, but sitting in their own chamber of Parliament; and he declared to them his fixed resolution of proceeding to France for the purpose of recovering his dominions, announcing at the same time the appointment of his brother, the Duke of Bedford, his lieutenant during his absence, with a council of ten, whom he also named.[2] But he left the regency of the realm to his stepmother, the dowager Queen, formerly Duchess of Brittany.

The intelligence of these preparations did not fail to alarm the French court, and they made one more attempt to turn aside the storm which seemed gathering to burst upon their devoted country. It was

[1] Rym., ix. 257, 284, and 399.

[2] Rym., ix. 223.

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already exhausted by civil commotion of long standing, and which had ended in a protracted civil war. Whatever hope could be obtained of assistance from the Duke of Burgundy, even if his loyalty was to be trusted, had been reduced within a narrow compass by the war which had been recently waged against him, ravaging his territories with fire and sword, burning one of his chief towns (Soissons), and nearly destroying another in a protracted siege.

Sept. 1414. The Dauphin had indeed assumed the regency, but with so strong an opposition from the other princes as left little real power in his administration. There is no wonder then that he made a last effort to avert the dreadful extremity which Henry's ambition was bringing on.

An embassy, composed of the Archbishop of Bourges, the Bishop of Lisieux, and other lords, accordingly arrived in London, but after the King and his staff had set out on their progress towards the coast. He turned aside to Winchester, where he gave them a formal audience, receiving them in state, with his brothers and many of the prelates and nobles attending. The Archbishop made a long speech, according to the fashion of the times, in the form of a sermon, taking for his text the verse, "Peace be to thee and thy house."[1] But after he had lectured on the excellence of peace, being pressed to be more particular, he offered, as the price of Henry's disarming, the surrender of the Limousin country, with the cities

[1] 1 Sam. xxv. 6.

of Limoges and Tulle, in addition to the provinces before agreed on, and the addition of 50,000 crowns (above 60,000*l.* at this day) to the large sum before offered of 800,000 (1,000,000*l.*). This proposition was rejected. Historians differ as to the precise ground of the refusal, some affirming that the terms were not deemed adequate; others that the French ambassadors declined to specify a day at which their part of the conditions should be performed. All, however, are agreed that the King renewed his general claim to the French crown, and required, as the price of his waiving it, the cession of Aquitaine and the other provinces which had been wrested from the dominion of England. The peremptory refusal to disarm or to suspend his hostile operations is on all hands admitted; the only doubt being as to the grounds on which that refusal was rested, and no one denying that he was resolved to make war unless the dismemberment of France were given as a peace-offering.

When the ambassadors found that he was bent on the conquest of their country, and prepared to seek that object by letting loose upon her all the horrors of rapine and massacre, they appear to have used language somewhat more violent than might be expected from the ministers of peace, though here again a great discrepancy is found in the accounts of their reply to Henry's answer. Archbishop Chichele, the known advocate of the war, was the channel through which Henry's refusal was con- July 4, 1415.

veyed, and we may well believe that he did nothing by his language to soften its harshness. The French prelate indignantly declared that the large concessions which had been offered were not the dictates of fear on his sovereign's part, but of his sincere desire for peace. Some historians pretend that he added an unmannerly attack upon Henry's title to his own crown, and referred to the heir of Richard as the party with whom, but for the wish to avoid a needless ground of quarrel, his royal master ought to have treated. But they who give this representation of the ambassador's reply, also describe the English primate as having used language highly calculated to incense those he addressed. He declared, say they, that the King was driven to make war by the French court withholding from him his undoubted rights, which Heaven had, by the English triumphs over France, declared to be his; and for this refusal, the prelate said, of what was his own, Henry would, without delay, ravage France with fire and sword, exterminate the people, waste the country, and destroy the towns.[1]

Whatever doubt may hang over the terms in which those offers of France were made and were rejected, one thing is sufficiently clear—the proposal was a sacrifice, extorted by the cruel necessities of her situation, to propitiate an insulting enemy; and ample as that sacrifice was, it proved inadequate to

[1] Hol., iii. 69. Hall, 58. Monst., ch. cxl. Good., 60. Stowe, 345. Note XXXIV.

slake his thirst of dominion. There is another circumstance in which all the accounts are agreed, and it is not immaterial to our estimate of the character which these half-civilized men displayed, and the spirit of their age. When the primate had made an end of his speech, demanding the four great duchies, with all the other territories claimed, and declaring that, if these were refused, the King would lay waste the whole of France, and by his sword wrest the crown from Charles, Henry at once assented to all the prelate had said, and promised, "with God's aid and on the word of a king," to commit those dreadful outrages upon all law and all justice.[1]

This attempt at effecting an accommodation having thus failed, as it needs must, Henry's preparations were continued and completed. Nor did he, while assembling the army for embarkation, neglect such precautions as might secure the country against any attack during his absence. He sent commissions of array into the different counties bordering upon Scotland, Wales, and the Channel; he concluded a truce with Owen Glendower; and having received intimation that an incursion from the Scottish border was apprehended, he issued proper orders to the wardens of the Marches, one of whom, Sir Robert Umfraville, the governor of Roxburgh Castle, a person in whom he reposed great confidence, met the invaders, pursued them into Scotland, and defeated them, with considerable loss, near Jedburgh.[2] July 22, 1415.

[1] Monstrel., ch. cxl.

[2] Hol., iii. 69. Hard., 373. Gettering is the place named, and

Everything seemed now ready for the execution of a design conceived in the mere lust of aggrandizement and plunder, varnished over with no colour of right, and outraging every feeling, as well of ordinary morality as of public justice. A neighbouring people were plunged in extreme distress by the crimes of their chiefs, and reduced to great weakness by their internal dissensions; Henry had an army of 30,000 men, well provided with arms and equipage, the weapons of destruction, and the means of subsisting while he destroyed; he had above 1500 vessels hired or seized, in which to convey these troops and stores across the Channel; therefore he deemed it lawful to employ such resources in attacking his defenceless neighbours, and seizing upon their possessions, before time was given for healing the wounds which civil discord had inflicted, and recruiting the strength which that plague had exhausted.

The forces and the transports were all collected at Southampton early in July; and, before the end of that month, the King arrived with his court. But, while he lay there, a very unexpected incident occurred, which had well nigh put a period to all his schemes, and changed again the dynasty founded by his father's usurpation. On the evening before the day fixed for the sailing of the expedition, a conspiracy was discovered of formidable aspect; formed, it appears, with very little

July 21, 1415.

some writers correct it into Getterick (Catterick, in Yorkshire). But this is impossible, for the distance of the place from Roxburgh is said to be twelve miles.

preparation, and conducted with no circumspection, by the Earl of Cambridge and Sir Thomas Grey, with the privity of the Lord le Scroop. Its object was to dethrone the King, and prevent the succession of his three brothers, which, in such circumstances, could only mean the destruction of all four; and Marche, the undoubted heir of Richard II., was to have been placed on the throne. The hurry with which this great crime was punished, and the aversion of the Lancaster family to all discussions which might draw their title into scrutiny, has occasioned the suppression of the details connected with the event; and its history is, therefore, involved in great obscurity. Scroop was Henry's most intimate and confidential friend, the object of his unremitting kindness, and the person chosen by him as his representative in all his most delicate negotiations. His whole life, indeed, was passed in the King's society. Cambridge was brother to Edward Duke of York, who had married Marche's sister. Grey was a knight of Northumberland, having considerable influence in those parts. As soon as the information was given these individuals were arrested; and Cambridge at once made a full confession, from which it appeared that he was the ringleader of the conspirators. It is difficult to determine how far Scroop was a party in the plot, impossible to ascertain how far Marche was privy to it. Cambridge's confession, a most suspicious kind of historical proof, and no legal proof at all, implicated Grey chiefly, pressing much more

lightly upon Scroop, while it distinctly charged Marche as an accessory. This, together with Marche's impunity, and his being suffered to sit upon the trial of the conspirators, has given rise to a general belief among historians that he disclosed it to Henry as soon as he was informed of the scheme. But, to show how little reliance was even in those days placed upon the confession, Umfraville, whom it charged with the design of bringing the pretended Richard from Scotland, enjoyed the King's entire confidence after the plot was discovered, as appears by the orders issued to him.[1]

No time was lost in bringing the conspirators to trial. A special commission was issued, and a true bill was found against Cambridge and Grey for high treason, in conspiring to dethrone the King and set up Marche in his stead, and for intending eventually to destroy the King, his brothers, and many other grandees of the realm; against Scroop, for being privy to this conspiracy. Cambridge and Grey confessed the whole matters laid to their charge, and threw themselves on the royal mercy. Scroop admitted a guilty knowledge and concealment of the conspiracy, denying altogether the design of killing the King and his brothers; but, as he desired to be tried by his peers, Grey alone was condemned by the commission, Cambridge and Scroop being carried before a court composed of such peers as happened

[1] Rym., ix. 307. Umfraville is called "*Notre foial chevalier*," August 14, 1415, three weeks after the discovery of the plot.

to be present at Southampton for the purpose of serving in the expedition. In this most irregular, and indeed wholly illegal proceeding, Grey was sentenced without any verdict of a petty jury, and merely on his confession when arraigned. The unlawful court of peers[1] had only before it the record of what Cambridge and Scroop had said before the special commission. Upon that, without any further trial, apparently without being heard in their defence, Cambridge and Scroop were immediately condemned to death by the Lords, the more cruel parts of the punishment being remitted;[2] and this sentence was forthwith executed.[3] The additional charge which most of the old writers have made against the conspirators, that they had been bribed by the French court to slay the King, or deliver him up with his brothers, appears to be without any foundation. The indictment makes no mention of it, neither does Cambridge's confession; and we can hardly suppose that such an accusation against the French, had there been the least ground for it, would have been left wholly unnoticed in the remonstrances which Henry presented to his adversary.[4]

August 6, 1415.

[1] It was as if a peer in a regiment were tried for treason or felony before such of his brother officers as happened to be peers.

[2] Rot. Parl., iv. 66. Rym., ix. 300.

[3] Stowe, 346. He very inaccurately states the trial and execution to have taken place the day after the King received the information of the plot. The information was given July 21—the trials were on the 2nd and 5th of August.

[4] Hall, 61.—Hol., iii. 69.—Good., 65.—Grafton gives the common report, but adds that it was denied by many. He, however, speaks of

The illegality of all the proceedings at Southampton appears to have struck even the lawyers and statesmen of that age as too glaring to let the conviction be safely rested on its own merits. An act was therefore passed as soon as the Parliament met, declaring the sentence and punishment valid.[1]

On the 15th[2] of August the expedition put to sea, and late on the following evening reached the small town of Caux, or Kidcase, in Normandy, where the troops were disembarked without opposition, and, after marching to Harfleur, seven miles distant, encamped near its walls. Henry, true to his policy of conciliating the Church and appealing to the religious sentiments of the people, had knelt down as soon as he landed, and prayed for the Divine blessing on his unjust aggression: this he called supplicating for justice against his enemies. He then issued a proclamation, forbidding, on pain of death, all plunder of the churches, and all violence to any priest or friar; and, when the tents were pitched, he had a large one erected behind his own, to serve for a chapel to the troops. The proclamation had exempted from violence all persons not bearing arms, as well as the priests. But, as soon as the siege commenced,

Cambridge having confessed it, 512.—T. Wals., 435, says, "*Ut fertur.*" —Fabyan, 79, makes no mention of it. He gives July 29 as the date, and that the execution was the day after the trial.

[1] Rot. Parl., iv. 66.

[2] I have given this date instead of Stowe's, who has the 13th (347). My reason is, that we have in Rym., ix. 307, a Proclamation dated August 14, at Southampton. T. Elm., 36, gives the 13th as the day. T. Liv., 8, in substance agrees with this date.

the soldiers were ordered to ravage the surrounding country in all directions, inflicting the utmost misery on the unoffending inhabitants, in order to intercept the supplies of the town, and to secure a booty for the invading army. The siege lasted above five weeks; the garrison and the townsfolk were reduced to the extreme of wretchedness by famine as well as by disease; all hopes of relief were cut off by the feeble state of the French government; and, at last, after showing the greatest fortitude in bearing extraordinary privations, as well as admirable courage in defending themselves, they were compelled to surrender at discretion. The place was given up to indiscriminate sack and slaughter. A large sum was extorted by the avarice of the invaders, as ransom for the soldiers who were taken, and who would have been detained in captivity, had conquest alone, without the more sordid desire of plunder, been the object of the invasion. The greater part of the people, but chiefly the women and children, were driven from the town, with the insulting mockery of a few pence given to each by way of provision; and their place was supplied by crowds of artisans, tradesmen, and labourers brought over from England.

The siege, however, had proved nearly as disastrous to the conquerors as to the vanquished. Beside many slain in the constant skirmishes which took place, a much greater number perished by sickness; for, the weather proving much more severe than is usual so early in the season, the days were hot, and

the nights cold. The ravenous desire of pillage, too, made the English army drive to their camp all the cattle they could collect, and these, being slaughtered far beyond the consumption of the troops, poisoned the air with putrid exhalations.[1] Thus, after leaving a garrison in the captured town, the English were reduced to considerably less than half their original strength of 30,000 men. The winter season, too, approached, and the cold, already great, threatened an increase. The Dauphin, acting for his father, was enabled, by the general indignation and alarm which the invasion spread, to collect a large army for the defence of the kingdom, and Henry had no immediate prospect of reinforcements. He therefore abandoned all thoughts of advancing further into the country; and finding it difficult to re-embark his troops, an operation which would certainly have been opposed, and would also have been regarded as a confession of failure, if not of defeat, he resolved to retreat upon Calais by short marches. In the execution of this design, however, he easily perceived that he must be exposed to the greatest dangers, not improbably to the entire destruction of his army, from the daily increase of numbers which the defenders of their country were receiving.

The position, indeed, in which he now found himself, was difficult and distressing in the extreme. The French had driven away all the cattle on the

[1] T. Wals., Hist., 437. Ypod. Neust., 189. T. Liv., 11. T. Elm., 44. Monstrel., ch. cxliii., cxlvi.

line of his march, and destroyed whatever grain and other provisions they could not remove; so that his army, day after day, was reduced to new straits, forced to feed on raw chestnuts, on asses' flesh and other carrion, without even having a plentiful supply of such disgusting and noxious aliments. The early winter made the rains of each day be succeeded by piercing frosts in the night. Covering, shelter, fuel, they had none, to afford relief from the inclemency of the weather. Putrid fever and dysentery had been brought with them from before Harfleur, and were exacerbated by their other sufferings. The towns of any note were all so far provided with garrisons, that Henry durst not attempt to enter them; and any humble and indefensible villages that lay in his way could yield no resources. He was constantly harassed on his march, both by sallies of troops from the strong places, and by the peasants rising in a mass to exterminate invaders who had brought such calamities upon their country; so that his men knew not what rest was for an instant by day or by night, even had they possessed any kind of shelter under which to taste repose. Add to all these sufferings the hourly expectation of attack from enemies five times his numbers, daily receiving reinforcements, suffering under none of the privations which continually thinned his ranks and paralyzed those that survived, defending their own country with the blessings and help of their fellow-citizens, while he traversed, slowly and suffering, the

fields of an unoffending people, amidst their loud and just execrations. The gallant resistance made so unexpectedly at Harfleur, and the sickness which there visited his army, must oftentimes, during the leisure of the siege, have brought on reflections sufficiently painful to a generous nature, which evil training had rather perverted than altered. But it would not be easy to imagine the distress in which the eighteen days of his sad march to Maisoncelles must have been passed, surrounded by the misery he had brought on his own people; conscious that he had, if possible, still less right to harass his adversaries; and expecting the just retribution that seemed to await him, when they should avenge their wrongs by his destruction.

In this emergency it is certain that he was found not unequal to the greatness of the occasion, either in firmness, in courage, or in prudence. He appears, indeed, to have displayed all the qualities of a great captain; and we are only left to lament that such rare and excellent endowments, instead of being employed in a just and lawful contest, should have been exerted, first, to injure his fellow-creatures, and then to secure his own and his army's escape from the punishment they so well deserved.

He made his march with perfect deliberation and composure, not dispiriting his own men, or encouraging his enemies by any seeming impatience or anxiety. Once or twice, as at Eu, he took advantage of an attack made upon him, with unequal force, to

repulse it with loss. The only places where any omission had been made to waste the country, he ravaged, so as to obtain some scanty supplies. Endeavouring to pass the Somme at Blanquetage, where Edward the Third had crossed before the battle of Crecy, he found that ford well guarded, as were all the other shallows; and where no force was stationed, stakes and spikes had been driven into the bed of the river. He therefore made a sudden movement to the right by Airaines, and was thus brought to some villages not deserted. These he burnt, after giving them up to pillage.[1] He sent out light troops to scour the country on all sides, and prevent any surprise. Again and again foiled in his attempt to pass the river, he came to the bridge of St. Maxence, but found it defended by an army of 30,000 men, more than three times his own force. Here then he halted, and prepared to fight, not doubting that he should be immediately attacked. But the offer of battle thus made was not accepted: such was the boldness of the front he showed, and so secure did the French feel, as indeed they well might, that he could never escape to Calais, though they should let him alone. After this halt he moved by Amiens upon Boves, where he again stopped, and for two days offered battle, but it was again refused. He therefore moved up the river upon Corbie; and the peasants having risen, and, with some support from the troops in that town, attacked him, he made such resistance as com-

[1] Note XXXV.

pelled them to retreat with considerable loss. At length, near Betancourt, between Ham and St. Quentin, he discovered a ford, which the garrison of the former place had, in disobedience of the orders given by the Dauphin, neglected to protect with stakes, and so he succeeded in passing over his army.

The French appear to have placed their main reliance upon defending the line of the Somme, and to have prudently resolved that there should be no attack made upon Henry as long as he was kept on the left bank. His unexpected success in crossing gave them, naturally, some uneasiness; and a council was held by the King and the Dauphin at Rouen, whither the court had come upon the fall of Harfleur. A difference of opinion prevailed, but the great majority[1] were clear that the English must not be suffered to reach Calais without a battle. Their resolution to engage him was, according to the laws of chivalry which then prevailed, communicated to Henry by a herald, naming the time and place where they were ready to give him the meeting. But he answered that he should neither take counsel nor law from his enemies; adding, however, that he neither sought nor shunned a fight with them.[2] The French troops then moved rapidly on from all points, and succeeded, from their vast superiority of numbers, in getting before him to St. Pol, on the Annion.

[1] All the authorities say the majority was of thirty-five to five.

[2] Mezeray, i. 1005.

It is said by some writers, and the state of the campaign renders the report probable, that, seeing himself hemmed in, he offered to give up Harfleur, and to make compensation for all the damage his invasion had caused, provided he might be allowed to retreat unmolested on Calais.[1] If such an offer was wisely made, it was with manifest, but not very unpardonable, imprudence, rejected, from the confidence which filled the French of gaining such a victory as must inflict a signal punishment upon their enemy, and prevent all future aggression on his part. Both parties now prepared for the battle, which was fought on St. Crispin's-day, 25th October, near the castle of Agincourt, or Azincour, close to Maisoncelles.

The French were commanded by the Constable D'Albret, and Marshal Boucicault under him. Dampière, the high admiral, was also present, with the other great officers of the crown, the Dukes of Orleans, Bourbon, Bar, Alençon, and almost all the great nobles of France, except the Duke of Burgundy, whose two brothers, however, Brabant and Nevers, were there. He himself stood aloof, nor would permit his son Charolois to join, in consequence of Henry's intrigues, his own sordid scheme of joining the victorious party, and his criminal design to profit by the event, should it prove disastrous to his country. Henry had the invaluable assistance of Sir Thomas Erpingham, an old and experienced

[1] Mezeray, i. 1605.

warrior, who placed his men in the order naturally suggested by their inferiority of number to the enemy's force, and by the protection of a wood on each flank. Archers alone were posted in the front, the men at arms or cavalry behind them; the bill-men and archers together composed the third line; on the wings were bodies of both horse and foot, and the baggage with the draught horses occupied the ground in the rear. Each of the archers in the van had a strong stake shod with iron at both ends, and which could be driven before him slanting into the ground, so that a hedge was formed, behind which that important body of men, the main reliance of the army, could retreat after shooting their arrows, chiefly directed at the enemy's horse. Erpingham had also sent a strong detachment of bowmen into Tramecour Wood, a concealed position, protected by a deep ditch, on the flank of the French van; they were to advance and shoot at the horse on a signal being given. The front rank was commanded by the Duke of York at his own earnest request, probably to remove the suspicions cast upon his loyalty by his brother Cambridge's recent treason. The King commanded the second line in person, accompanied by his brothers Clarence and Gloster. The third was under his uncle the Duke of Exeter. The French were drawn up also in three divisions, but thirty men deep instead of three. The ground was much too narrow for their numbers, and this proved most disastrous, by preventing their great

Oct. 25, 1415.

force from being brought to bear upon their adversaries, and also from getting away when overpowered.

Wise by the experience of Crecy and Poitiers, where they had been the assailants, the Constable remained fixed, on the defensive; so that Henry was forced to begin the engagement, which he did by making the signal for the detachment at Tramecour to use their bows. These exceedingly galled the French, especially on their advance to meet the English van, which, rushing from behind their palisade, poured a destructive volley into the French cavalry, and then retreated behind their wooden rampart. The recent rain had made the ground exceedingly slippery and difficult for cavalry heavily laden; the arrows greatly added to this obstruction by terrifying the horses; the narrow space, crowded with men, prevented them from retreating, and, becoming unmanageable, they plunged back upon the foot soldiers, throwing the whole front division into the greatest confusion. The English archers now, slinging their bows behind them, made great havoc with their swords and battle-axes; and Henry, observing the favourable opportunity for his cavalry to act, led them forward, and they penetrated to the second division of the enemy. A most obstinate conflict now ensued, in which he exposed himself to the greatest danger; and, indeed, after being at one time felled to the ground by the blow of a mace, he had his crown and helmet struck severely by Alençon, who, rushing through the ranks to meet him, had killed the Duke

of York, but was himself dispatched on the spot, where the King had been with difficulty rescued. Clarence, too, was thrown down, severely wounded, and only saved by the gallantry and strength of Henry, who, after striking Alençon to the ground, is said to have slain two of his attendants with his own hand. The death of Alençon led to the immediate flight of the second French division. While preparing to attack the third, still unbroken, Henry received intelligence that the baggage and horses in the rear (some accounts say at his head-quarters of Maisoncelles) were attacked, and, without waiting to inquire how far the report was exaggerated, he gave immediate and peremptory orders that every soldier should put his prisoners to death. The men, for fear of losing the ransom, the hope of which alone in those times caused quarter to be given, hesitated, and would probably have disobeyed, but he directed two hundred archers, under a knight whom he could trust, to perform this honourable service. The commission was immediately executed, and many thousands perished before it was discovered that the attempt upon the baggage had been made by a body of peasants, under two knights of Burgundy.[1] Whether this dreadful massacre, or the confusion already existing in the front lines of the French army, or the fires which had just been kindled in the rear by one of the detached parties, was the cause, remains uncertain; but the third line was seized with a panic,

[1] Note XXXVI.

and could not be rallied to follow their commanders. The victory, therefore, was complete, although the English had no power of following it up, either by undertaking any offensive operations, or even by pursuing those who fled from the field.

The loss of the French in this great fight has never been stated at less than 10,000 men; but among these the flower of the nobility and gentry were cut off, for there fell 126 princes and great lords, and above 8000 knights and esquires. Above 1500 prisoners, too, were taken, almost all persons of consideration. Among the slain were the Constable Albret, commander-in-chief; the high admiral, Dampière, with many other officers of state; the Dukes of Alençon and Bar; the Burgundian's two brothers, Brabant and Nevers. Among the prisoners were the Dukes of Orleans and Bourbon, and Marshal Boucicault,[1] second in command. The cheapness of the victory to the English has been described by different writers with an almost unexampled degree of exaggeration and variety.[2] Some accounts represent the whole number of killed as not above twenty, others as not amounting to thirty, while some make it 600, and the more credible accounts 1600, which it may be remarked bears nearly the same proportion to the whole force that the loss of the French does to their army. From hence we may learn how hardly

[1] Note XXXVII.

[2] Wals. Hist., 450. Polych., cccxxxi. Fab., 530. Hall, 72. Hol., iii. 83. Monst., ch. cxlix. Stowe, 350. T. Liv., 19. T. Elm., 62 Juv. des Urs., 314. P. de Fen., 461.

the victory was contested; nor can it be doubted that the French owed their defeat not more to the unfavourable nature of the ground on which they fought, than to the absolute confidence with which they made sure of an easy triumph, and the sovereign contempt in which they held the inferior numbers and distressed condition of their adversaries. The Constable does not appear to have been deficient in the duties of a commander, except that he erred in fighting on a disadvantageous ground, unable perhaps to restrain the impetuosity of his sanguine troops. But when all his men had so fully expected a cheap victory that they looked for hardly any resistance, the first reverse threw them into confusion, and their overweening confidence, so ill founded, was succeeded by as groundless despair.

Henry, on his part, wisely considered that he had rather made a great escape by brilliant efforts than won such an advantage as entitled him to feel assured of continued success. He therefore hastened to pursue his march towards Calais, and moved thitherward on the very morning after the battle. In traversing the field, his troops put to death such of the wounded as they could not carry away prisoners, and plundered all the things of any value which they could find. The same want of provisions, the same inclement weather, and the same severe maladies, continued to affect his army, which had so deplorably reduced it on the march to Agincourt; and they arrived exhausted and wretched at Calais. Here the form of

a council was held, to decide whether they should return to England, or make another attempt on France. But, in their crippled state, with hardly any men fit to keep the field, this wears the air more of a bravado than a serious deliberation. The reason falsely and hypocritically assigned by the council, and which is said to have convinced Henry, if it did not proceed from his own suggestion, was, that Providence having declared in favour of his claims to the crown of France by the late victory, enough had been done for the present to establish his right, and that another time the same powerful protection would enable him to obtain the possession which he sought.

It is fit that we now pause, to consider the great talents which Henry displayed during this incursion, as well as in preparing the means by which he was enabled to make it. He does not appear to have omitted any one measure which, in his circumstances, afforded a reasonable prospect of aiding his attempt, or any one precaution which seemed adapted to secure his dominions against harm from internal or external opposition during his absence. If honesty and good faith be put out of the question, his court of the clergy, his intrigue with the Burgundian, his refraining from all demands on the Parliament till the very last moment, his appeal to them, to his nobles, to his prelates at the council, and all the vigorous measures, both for recruiting his army, collecting a fleet, and supplying the absolute want of funds, entitle him to the praise of a provident, firm, and skilful ruler. In

the expedition itself his genius for war shone forth with extraordinary lustre. It would be difficult to cite any instance of that most difficult of military operations, a retreat, conducted with more skill and more fortitude, in more difficult circumstances, than the march from Harfleur to Maisoncelles. His valour in the field was as conspicuous, though doubtless far less to be admired, because a much less rare accomplishment, than the calmness with which he faced the dangers of his position before the battle, and the ability with which he provided for surmounting them. There wants no foil to set off the lustre of this achievement; yet it is difficult to avoid the reflection suggested by the accident of the two victories having been gained nearly on the same ground, that his ancestor both before and in the battle of Crecy had an incomparably easier task, and did not perform it with more distinguished ability or more complete success.

The return of Henry to England with his captives and his booty[1] was, as might be expected, greeted with every demonstration of joy by the multitude, too giddy either to reflect on the origin or on the result of national quarrels, and ever prone, especially in a rude age, to take peculiar delight in the contemplation of warlike exploits, and exalt above all other classes of men those who have led their followers to victory. The passage from Calais was so tempestuous that some vessels of the fleet were driven as far as the Dutch coast. Yet the

Nov. 1415.

[1] Note XXXVIII.

height of the waves did not restrain the burgesses of Dover from rushing into the sea, and the King was borne ashore in their arms. The magistrates and the secular clergy, with the friars, assembled in procession to receive him. His journey to the capital was, through the towns especially, a triumphal progress. At Blackheath he was met by the mayor, aldermen, and commons of London, attired in more than the accustomed gorgeousness of civic pomp, and departing from their constant usage of remaining within the city walls. The metropolitan clergy waited on him, bearing in solemn order the relics of seventy saints. The whole city gave itself up to boundless rejoicing, in the outward signs of which the vulgar taste of the age shone forth with signal glare. The gates and the streets were lined with tapestry, picturing the ancient victories of the English arms. Laurels in whole thickets were everywhere displayed. Children appeared aloft, representing cherubs, and chanting hymns, in which the praises of the King were mingled with those of the Almighty; and, that more substantial objects might regale the senses, artificial rills of the luscious wines deemed in those times the most precious of drinks were so conducted as to diffuse copiously this esteemed beverage. The conqueror, however, thought fit to interpose and restrain the flattery of the day. Devoutly ascribing the success of his arms to the favour of Heaven alone, he stopped the procession at St. Paul's, that he might there make his offerings before he reached his palace;

and he forbade all further celebration of his victory, either by the poesy or the songs of his obsequious and intoxicated people. So overpowered, indeed, was he with humility, that he would not suffer his helmet to be borne before him, lest the blows which it had received and withstood might be exhibited to the admiration of the spectators. But it was otherwise with him at the ensuing festival of Christmas: that he caused to be celebrated with more than ordinary solemnity, and with every kind of feasting as well as pomp. A general thanksgiving was likewise held for the late successes, and the Divine aid supplicated in behalf of a war undertaken without the shadow of just ground, professedly to support the most extravagant of imaginary claims, but really to gratify a sordid love of plunder.[1]

The Parliament which met under the Regent Bed-
Nov. 12, 1415. ford, before the King's return, partaking of the general enthusiasm inspired by his expedition, had granted a tenth and a fifteenth, while it advanced the term of payment of the last year's subsidy. It had likewise granted duties on wool and other merchandize for the King's life. The Parlia-
March 16, 1416. ment which Henry called in the following spring showed a similar liberality, advancing the subsidy granted to the Regent from Martinmas to Whitsuntide. The session, being closed in three weeks, was recommenced soon after Easter, when the

[1] T. de Elm., 72. T. Wals., 440. Tit. Liv., 22. Monstrel., cap. cli. Hol., iii. 83. Hall, 22. Stowe, 551.

King announced that proposals of peace had been received from France through his kinsman Sigismund, King of the Romans, and Emperor elect.

This prince had arrived to visit Henry during the recess; he was well known for his successful efforts to terminate the schism in the Church by the Council of Constance; and, as he had, or pretended to have, some grievances against France, he was received in England with extraordinary pomp, entertained with great magnificence, and, together with the Duke of Holland, who came over about the same time, was honoured with the order of the Garter. An accident, however, had at first thrown some impediment in the way of his reception. While at Paris, on his journey, he had been present at a sitting of the Parliament, and out of respect for his rank, or from courtesy towards a guest, had been placed in the royal chair. A cause chanced to be hearing, in which one of the parties, claiming under a grant from the crown, was about to fail, as incapable of receiving such a gift, for want of a knight's degree. Sigismund, calling for a sword, removed the objection by conferring that honour on the party, and the cause was decided in his favour. This injudicious interference, however, moved the displeasure of the French monarch, who did not fail to reprove the Parliament for permitting so unseemly a proceeding. The accounts of the transaction had preceded the Emperor to England; and, before he was suffered to land, he had to disavow all design of setting up any

imperial claim inconsistent with the entire independence of the crown. After this he remained during his visit upon the most cordial and familiar terms with Henry and his court.[1]

Having offered his mediation while at Paris, an embassy had been fitted out under the Bishop of Rheims and other nobles, and these accompanied the Emperor to London. But, before any progress could be made in the negotiation, an event occurred which widened still more the breach between the two countries. The Count d'Armagnac had succeeded D'Albret as Constable after the battle of Agincourt, and he had soon taken occasion to signalize his accession to the command. Dorset, the Governor of Harfleur, had, immediately before the Emperor's arrival in England, sallied forth with a force of three thousand men, and pillaged the country to the gates of Rouen. The French, under Armagnac, had set upon him with a superior army, retaken all the booty and the prisoners captured by him, pursued him with great loss, forced him to seek shelter under the walls of Harfleur, and had only been prevented from taking the whole English force by a severe reverse sustained in attempting to intercept them before they reached the town. The result of this expedition, however, had compelled Dorset to remain wholly on the defensive; and Armagnac, profiting by the naval superiority which enabled the French at that time to insult the whole southern coast of England, laid siege

[1] Hol., iii. 85. Goodw., 103.

to Harfleur, which he invested closely on all sides. The garrison was thus reduced to the greatest extremity by the want of all supplies; and Henry was under the necessity of either surrendering it or fitting out an expedition, which, by giving him the command of the sea, might enable him to relieve the place. He decided on the latter course, with his wonted promptitude; and so great anxiety was felt for the success of the enterprise, the rather because the French had obtained the naval assistance of their Genoese allies, that he was minded to take the command himself; but the Emperor, who had insinuated himself into his confidence by the dislike which he showed of France, dissuaded him from an undertaking that seemed fitter for subordinate hands, and the Duke of Bedford was intrusted with the conduct of it. In this service that prince displayed his accustomed gallantry and skill. Notwithstanding most unfavourable weather, both storms and calms opposing him, he defeated the French fleet, and captured the three largest of the Genoese vessels. That the enemy's loss, however, could not have been so great, nor his discomfiture so complete, as contemporary historians have represented, is manifest from this, that when the duke followed up his victory by attempting to victual the besieged town, he was again opposed, and had to disperse a naval force collected against him the day after the engagement. This further success enabled him to accomplish his purpose; the garrison was relieved

Aug. 14, 1416.

by sufficient supplies, and Armagnac raised the siege.[1]

These events, however, frustrated all Sigismund's well-meant endeavours to effect an accommodation between France and England. Henry was evidently disinclined to peace: he gave as a reason against it, that the discomfiture of Dorset's expedition would be regarded as having disheartened, if not dismayed him; but his hopes of further success were the real cause of his determination to persist in the war; and these hopes were grounded not more upon his past victories, both by sea and land, than upon the state of affairs in France. He therefore renewed his former extravagant demands of the restitution of all that had ever belonged to the English crown. The Emperor, despairing of peace, returned to his own dominions; and Henry accompanied him as far as Calais, where he renewed his intrigues with the Burgundian, whom the French court so vehemently suspected of siding with the common enemy, that orders were given to exclude his envoys from the conference then holding of the French delegates at Constance, in connexion with the proceedings of the Council.[2] But the better opinion seems to be that this unprincipled man was not sufficiently satisfied of Henry's success against France to break with her and side with him; while it is certain that the only documents of the negotiation

[1] T. Elm., 79. T. Liv., 25. Hardynge, 377. Monstrel., c. clxv. T. Wals., 441. Hol., iii. 84. Hall, 73. Otterb., i. 278. Note XXXIX.

[2] Monstrel., ch. clxi. Rym., ix. 401, 436.

which have reached us are unfinished drafts of conventions that were never executed. Between Henry and Sigismund, on the other hand, a treaty was concluded, by which each party became bound to aid the other if attacked, and to make neither peace nor war without giving the other notice, and each engaged to assist the other in prosecuting his claims against France.[1] This treaty was afterwards confirmed in Parliament.[2] Aug. 11, 1416. Oct. 19, 1416.

It was not without good grounds that Henry reckoned upon the divided councils which paralysed and the intestine dissensions which distracted France. The Burgundian, who upon the defeat at Agincourt had marched as far as Lagny, and, after a lengthened halt in that town,[3] finding he could not succeed in an attempt to regain his influence at Paris, had returned to his own states, proceeded, on the Duke de Berri's death, to seize upon the Boulonnais as an escheat to his own duchy. Thus he was ever ready to take advantage of any change, but especially of any change unfavourable to the party of the Armagnacs. The new Constable, their leader, intoxicated with the ascendant which he had gained over his rival, had made himself hated by many acts of oppression. The King's malady only allowed him occasional lucid intervals. A foul conspiracy of the June, 1416.

[1] Rym., ix. 401, 436, 377. [2] Rot. Parl., iv. 96.

[3] His lingering six weeks there got him the name at Paris of Jean de Lagny, and Jean le Long, instead of Jean Sans Peur.

Burgundian to seize his person, and murder the Queen Isabel and her counsellors, had failed through an accident, but left a general distrust and alarm in men's minds. The Dauphin Lewis having died, and been succeeded by his brother John, a youth entirely under the Burgundian influence, he too died in the following spring, suddenly, and not without suspicion of having been poisoned by the Armagnacs; and thus the Constable became sole possessor of the King's person, as well as that of Charles, who succeeded his brother as Dauphin and heir-apparent to the crown.

April, 1416.

1417.

In this state of things it was that Henry pressed forward his preparations for another campaign. But these had been commenced before the end of the preceding year, while affairs in France wore by no means so bad an aspect; nor can we doubt that the hope of plunder alone dictated this, as it certainly had occasioned the former invasion, any rational expectation of conquest being at the time wholly impossible to be entertained. The rupture of the negotiation patronised by the Emperor was announced to Parliament at its meeting in October; the embarrassment of French affairs only became hopelessly complicated in the ensuing spring; and the accidental quarrel between the Armagnacs and the Queen, which alone could give the chance of permanent success to the English expedition, happened several months after the preparations for it had been begun, indeed when it was nearly ready.

Oct. 19, 1416.

The Parliament, partaking of Henry's impetuous ambition, but without the prudence which directed it, had no sooner been apprised by the speech or sermon of the chancellor, Bishop of Winton, that peace must be conquered by the sword, and that the war must be vigorously supported, than they granted two tenths and two fifteenths to be paid on all lay property at Candlemas and Martinmas next; but in consideration of the accelerated payment enacted the year before, and which was probably felt to be burthensome, a condition was annexed, that the levy of this new aid should in no manner of way be advanced, and that no other impost whatever should be laid on. A very important provision was, however, added, that the last instalment of one-fourth[1] might be pledged for the repayment of such sums as any corporate bodies, prelates, or private individuals might lend to the King; and this in all probability is the origin of the loans which have formed so large and so fatal an article of our finances—loans which are made on the security of taxes, and by authority of Parliament;[2] and which, if they have occasionally proved of signal service under the pressure of great emergencies, have been the fruitful source of wars, of public extravagance, and of burthens hardly to be endured by the most wealthy, as they are hardly to be approved by the most unreflecting, people.

The clergy were not behind the rest of the king-

[1] Half a tenth and half a fifteenth, payable Martinmas, 1417.

[2] Note XL.

dom in testifying their disposition to co-operate in the execution of Henry's ambitious projects. The
April 29, 1415. Convocation met when the Regent[1] assembled the Parliament, and granted a tenth for the support of the war, which had from the first been a favourite good work with these ministers of
April 1, 1416. peace. When the King afterwards brought them together, in the following spring, beside advancing the payment of that subsidy six
Nov. 9, 1416. months, they granted a second; and on their meeting in November they gave two more tenths, at the earnest request of the Bishop of Winton; so that they thus, within less than twelve months, taxed themselves for the military service of the State to the amount of no less than two-fifths of their whole personal property. They, indeed, were at this time in a more than ordinary accordance with the views of the civil power; for, beside their desire to find occupation for the prince and his barons, and to turn away all men's minds from the design cherished by the new sect against Church property, the King entirely agreed with them respecting the Schism of the Papacy, and the course to be pursued in consequence of that event, both at home and at the Council of Constance.

It was thought to afford a favourable opportunity for enforcing the laws made against provisors,[2] that is,

[1] Bedford was termed only the king's lieutenant, the queen being regent, or custos regni—but he had all the power.

[2] Provisors were the persons who obtained and used provisions.

against all interference of the Roman See[1] with Church patronage in the hands of spiritual persons. The statutes made to restrain this usurpation, first by Edward I., at the close of his reign,[2] afterwards by his son, and still more by his grandson,[3] had been further enforced in the reigns of Richard II.[4] and Henry IV.;[5] and the severe penalties of outlawry, forfeiture, and imprisonment, comprised in the process of præmunire, had failed to put down the practice of obtaining provisions or presentations to livings already full, and thereby disturbing the lawful possessors both of the patronage and the incumbency. Henry now took advantage of the Great Schism to promote a bill for still further enforcing the former acts; and a law was accordingly made, declaring all provisions void, denouncing the statutory penalties against all provisors or purchasers of such presentations, directing the process of præmunire against them; and further, giving treble damages to those who should sue out that process.

It is to be observed, however, that the restriction of the Pope's patronage had been found to lessen the number of learned men in the Church, and the Commons besought the King to afford some relief to the students of the two Universities, aggrieved by their exclusion from Church preferment. But, instead of

[1] 3 Hen. V., St. 2, c. iv. Note XLI.
[2] 35 Ed. I., c. i. St. 2 (of Carlisle, made just before his death).
[3] 25 Ed. III., St. 4.
[4] 13 Ric. II., c. ii., iii.; 16 Ric. II. c. v.
[5] 7 Hen. IV., c. viii.; 2 Hen. IV., c. iii.; 9 Hen. IV., c. viii.

promoting a law to this effect, Henry referred the whole matter to the spiritual peers, who promised to provide some remedy;[1] and the Convocation made an ordinance that alternate presentations should be bestowed on graduates. The King's favour towards the clergy was plainly evinced in this proceeding.

A further grace was shown to them by his obtaining an act which prohibited the preferment of Irish priests to livings or dignities in Ireland, and also forbade, under severe penalties, the bringing any native Irish as servants to attend prelates in the Irish Parliament.[2] This statute, like one made at the beginning of the reign for driving all Irishmen, with a few exceptions, out of England, sets forth that the Irish are all enemies of the King and his realm.[3]

Finally, the Schism gave a fair occasion for at once declaring by statute that, while the vacancy of the Apostolic See continued, all dignities requiring papal confirmation should be validly holden, if the election were confirmed by the Metropolitan within whose province the dioceses were situated.[4]

Equally acceptable to the clergy was the conduct of Henry with respect to the Council of Constance. Indeed his intimate friendship with Sigismund, now ripened into an alliance, formed of itself a claim to the favour of the Church, to terminate whose scan-

[1] Rot. Parl., iv. 82.

[2] Ibid., iv. 102.

[3] 1 Hen. V., c. viii.; explained by 2 Hen. VI., c. vii. The words used are, "shall be voided forth."

[4] 3 Hen. V., c. xi. Rot. Parl., iv. 71.

dalous and perilous Schism that prince had devoted all his energies. The choice of the place of meeting, so material to the result in a case of this kind, had been entirely forced by him upon John XXIII., the only one of the three competitors whose election was valid. In order to remove this formidable obstacle to the operations of the Council, Sigismund had forgotten that to John he owed the imperial dignity; had sided with France against him in making him resign; had, upon his repenting and escaping, joined Frederick of Austria, with whom he took refuge, and who betrayed him; had kept him a close prisoner while the Council tried him upon charges, of which some were wholly fictitious, some wholly irrelevant; and had joined that body in deposing him by a formal sentence, contrary to the law of the Roman See. So vehement a zeal for the peace of the Church recommended Sigismund, and with him his ally of England, to the whole body of the clergy. But Henry, by the line which he instructed his ambassador to take at the Council, still further ingratiated himself with the English hierarchy. A dispute arose upon the claims of the English clergy to form a separate body or nation with a vote in the deliberations, the resolution having been taken at the beginning, to vote not individually but by nations. The inclination rather was to insist upon England being classed with the northern kingdoms under Germany, while Italy, France, and afterwards Spain, were admitted to have each a separate voice. But Henry's

May 29, 1415.

ambassadors strenuously supported the claim of his clergy to a vote, and it was allowed, though, we must admit, upon reasoning devoid of all force, and proceeding upon the grossest errors of fact; as, that Britain consisted of three kingdoms, Ireland of four; that the dominion of Man and the Orkneys was equal to, if not greater, than that of France; and that in England there were 52,000 parishes, richly endowed, while France had only 6000.[1]

It is impossible to dismiss the subject of this famous Council, the most important, except that of Trent, ever held in the Catholic Church, without noting that, if its labours had the important result of terminating the Great Schism by deposing Benedict and John, inducing Gregory to resign, and filling the Holy See with Martin V., its proceedings were deserving of every reprobation, from the contempt of all justice, and even of common humanity, which they displayed. The treatment of John was oppressive and cruel in the highest degree; his election to the Papacy admitted of no doubt; and, according to the principles of the Romish Church, even if a Council had the power of deposing, it could only be exercised in the case of heresy, and of heresy he never was accused. The charges of immoral conduct were no sooner made against him than they were abandoned, and his long imprisonment, attended with every kind of harshness, could, after his implicit submission, have but one motive, the fear of his renewing

[1] L'Enfant, Con. Const. L.

the claim which his lawful election gave him to the pontifical chair, and the desire, if not to wear out his life, at least to destroy all remains of energy, the distinguishing virtue of his character.

But the treatment of John was the least part of the crimes committed by these cruel and unprincipled men. Their rage was still more fiercely pointed to the Reformers, impotent against the dead, but effectual against the living. Condemning Wycliffe's doctrines as heretical, they ordered his remains to be dug up from the tomb in which they had reposed at Lutterworth, to be cast into the fire, and the ashes to be scattered on the river, with the vain hope of thus for ever extirpating all memory of the great Reformer. They then summoned his faithful disciple, John Huss, to appear before them, and the Emperor gave him a safe-conduct, in which he trusted. No sooner did he reach Constance, than the Council had him seized, denying that the Pope had ever guaranteed his safety, but conscious all the while that they never would have acknowledged the authority of any competitor for the Popedom to do any act whatever. He was repeatedly required to recant his doctrines, which he avowed to be those of Wycliffe, whose books he acknowledged having read with delight, and with whose soul he admitted that he had oftentimes wished his own might be. All offers of mercy on such terms he rejected firmly but meekly; and when asked by a deputation of the body if he believed himself more wise than the whole Council, his memorable reply

showed how well he had profited by his master's teaching: "For God's sake," said he, "send the meanest person in it to convince me by arguments out of the Scripture; to him will I submit my judgment; much more to the whole Council."—"See," said the bishops, "how obstinate he is!" and they left him in his dungeon. Before the assembly itself he maintained the same steady course; and when condemned to the flames, only prayed, saying, "Oh, my God, out of that infinite mercy of thine which no tongue can express, avenge not my wrongs!" At the stake he continued cheerful to the last, and rejected the Duke of Bavaria's entreaties that he should abjure, declaring that all the doctrines he had preached were agreeable to God's word, and that he would seal his faith in them with his blood. While the crackling of the flames was heard, his voice, also, raised in hymns, reached the bystanders, and his prayers and praises only ceased when he fell down suffocated by the smoke as well as tortured by the heat. The duke superintended the bloody work of the executioner, who tore the body in pieces, flung the fragments upon a newly kindled fire, and thrust the heart into it, that it might be the more certainly consumed. His highness then caused the clothes to be burned, and the whole ashes collected to be cast into the Rhine, "that nothing might remain on earth of so execrable a heretic."[1]

July, 1415.

The execution of John Huss was followed by that

[1] L'Enfant, Concil. Const., lib. iii.

of his disciple Jerome of Prague, a younger man, and of less authority, of less inflexible courage also, but of far superior talents. For a moment his resolution gave way, and he was prevailed upon to abjure the doctrines which he was accused of having held. This obtained his liberation, but on his way to Bohemia the Duke of Bavaria's troops seized him upon some new charge, and he was brought back to Constance. Repenting of his temporary weakness, he now appeared before the Council, and defended himself with an eloquence and a force of argument which astonished his hearers. Among these was the celebrated Poggio Bracciolini, of Florence, who does not hesitate to rank his defence with the masterpieces of ancient rhetoric. Although exhausted and enfeebled by a year's confinement in a dark and loathsome dungeon, the admirable spirit and readiness of his retorts on all who assailed him—the learning which he copiously poured forth, as if his time had been passed in consulting all authors—the energy with which he could either press home his reasonings, or rouse indignation—his versatile skill in moving at will either laughter or pity—left on the whole audience a profound impression, which was still further deepened by a voice sweet, clear, and commanding, as well as by the most graceful, and appropriate action. It is not to be wondered at if even his enemies would fain have won him back to their Church, and for a while relented, or seemed to relent, desirous of once more obtaining from him

Sept. 3, 1415.

a disavowal of heresy. How hopeless this was, he plainly showed by launching forth in praise of Huss, and asserting that, like him, his only quarrel was with the abuses of the Church, and the scandal which her priesthood brought upon the religion of Christ. Like his predecessor and master, he went to the stake resigned, and even triumphant, rising superior to the torments inflicted upon him, and happy in dying for the truth.[1] It would be pleasing could we venture to hope that in these barbarous scenes the representatives of Henry and of the Anglican Church bore no part. But the proceedings at Constance were only a close imitation of those in London two years before, and the sentence was executed on Cobham two years after with the same savage cruelty as upon Huss and Jerome.[2] There is nothing, therefore, to show that the bigotry of priests, when armed with secular power, varies in its aspect according to the character of the people whom it holds in spiritual subjection.

The good understanding which, as we have seen, subsisted between Henry and the Church, and which he took every pains to strengthen, gave him important facilities in making his preparations for the campaign which he was now resolved upon, beside the benefit of the subsidies which he derived from their bounty. The influence of the clergy was exerted among the barons and other landowners, who were thus encouraged to

[1] Poggii Epist., ad Leon. Aretinum. Ep. Edit. Torullio, I. ii.

[2] Several years before, as early as 1408, a clergyman had been burnt in Scotland with equal cruelty for the Wycliffe heresy. Ford. Scot. Cr., ii. 441.

bestir themselves in compliance with the royal proclamations, calling upon them first to report what force each could bring into the field, and then to join his standard at Southampton next Midsummer. The force collected amounted to above sixteen thousand men, fully equipped, of whom one fourth were cavalry, and the rest archers. Nearly one half of this body were raised and paid by the King himself; the rest were brought by the barons, some of whom came at the head of four hundred, and one, the Duke of Clarence, brought no fewer than a thousand men. Several thousands more of artificers, squires, and other attendants accompanied the regular troops; and the whole force is said by several old writers to have exceeded twenty-five thousand. To convey this army across the Channel, a fleet of fifteen hundred sail was assembled at Portsmouth; and that its operations might meet with no obstruction, Henry, before he embarked, directed a squadron under Huntingdon to scour the narrow seas. This service was well performed. The admiral met nine of the Genoese vessels in the pay of France, and after a long and severe engagement sunk three and took three, with their commander, the bastard of Bourbon, and the money-chest of the fleet. As nothing now remained to delay the expedition, it set sail for the French coast, and the troops were landed at Beville, near Harfleur, without any opposition.[1] Aug. 1, 1417.

During the time which the preparation for this

[1] T. Elm., 92. T. Liv., 31. Hol., iii. 89. Stowe, 353. Note XLII.

enterprise occupied, a most important change had taken place in the position of French affairs; and that success, which at the beginning of the year must have been considered altogether hopeless, seemed now brought within the bounds of no very remote possibility that the design which had been planned and prepared as a predatory incursion might now lead to the possession of the country, and the occupation, though precarious and temporary, of its throne. The Queen of Charles VI. had ever been one of the Burgundian's most determined and powerful adversaries, insomuch that he had, during the last year, directed a conspiracy, as we have seen, against her life. In the spring of 1417 she appears to have had some difference with Armagnac, who set the weak King against her, and excited his jealousy respecting her private conduct, never at any time above reproach.

May, 1417. One day, in the month of May, Charles, on his way back to Paris, from visiting her at the Castle of Vincennes, met a cavalier, one Louis Bourdon, going thither, who gave some offence by the careless manner of his salutation; whereupon the King ordered the Provost of Paris to seize him. He was accordingly first cast into prison, then put to the torture, and finally drowned in the Seine. A few days after the Dauphin joined Armagnac in seizing the Queen's person, and sending her to Tours, where she was kept under close watch, and, in fact, as a prisoner, though not confined to her apartment. Her jewels and her large treasures were likewise taken

possession of, and applied to the public service. The immediate consequence of these proceedings was a reconcilement between her and the Burgundian, and a quarrel with his adversaries. Nor does she appear to have been ever after possessed with any other feeling on public affairs than an insatiable thirst of revenge, which she was resolved to slake by the ruin of the Constable, of her son the Dauphin, and of his kingdom.[1]

A few weeks before her seizure the Burgundian had published in most of the great towns between Paris and his dominions a manifesto against the Armagnacs, whom he charged with holding the King's person in constraint, and ruining the country, beside imputing to them the murder by poison of the Dauphins Charles and John. The suspicion naturally arises that the issuing of this proclamation may have been suggested by intelligence having reached him of the differences which had sprung up between the Queen and the Constable. That he soon after was in communication with her is certain; and at the beginning of August he began his operations. By emissaries whom he despatched to several important towns, he received their allegiance; and he immediately after moved a powerful army of at least thirty thousand men,[2] by which he was enabled to take possession of other strong places,

April 24, 1417.

[1] Monstrelet, ch. clxviii.—clxxix. Juv. des Urs., 336. P. de Fen., 465.

[2] Monstrelet makes them amount to 60,000 horsemen; a manifest exaggeration.

and to reach Montrouge, within sight of the capital. But meeting with no encouragement from the inhabitants, he turned aside, and, after taking several more towns, restored the Queen to liberty, made another unsuccessful attempt upon Paris, and then withdrew with her to Troyes, keeping possession of the places which he had seized. She, on her part, issued a proclamation declaring herself Regent of the kingdom, suspending the Parliament of Paris, appointing two others, one to meet at Amiens and one at Troyes, and filling up the highest offices in the realm with her own creatures.

It is manifest that, while the Court of Charles was thus distracted by faction, and had to contend with so formidable an enemy as the Burgundian in the heart of the country, no effectual resistance could be offered to Henry's invasion. Upon receiving intelligence of his preparations, Armagnac had sent such troops as he could detach from Paris to garrison some of the Norman towns; but little exertion could be expected in the present dreadful state of the kingdom, when no man knew whom he should obey or whom he could trust. Accordingly, after Henry had taken the childish step of challenging the Dauphin to decide their differences by single combat, and so spare the effusion of blood,[1]—a proposition which, as he must have fully expected, was not even deemed worthy of any answer,—he proceeded to attack the fortified town of Tong, which surrendered

[1] T. Elm., 99.

without making any defence,[1] and immediately after Anvilliers and Villiers followed its example. Caen, however, the chief town of the province, having good works and a strong garrison, stood a siege of three weeks, when it was taken by storm, and the citadel soon after capitulated. No mercy was shown to the inhabitants in this assault. The butchery was continued for some hours, none but women, children, and unmarried priests being spared; and the slaughter only ceased in order that prisoners might be made, whose ransom formed so important a branch of the warlike finance in those days. Nor was the leaving women untouched an act of such mercy as at first sight it may seem; for fifteen hundred were driven from the place, and English settlers brought over in their stead.

The example made of Caen had a great effect upon the people of the neighbouring towns, which sent their keys; and many that had no walls or garrison were deserted, insomuch that at Lisieux only two persons were found, too infirm to be removed, and five-and-twenty thousand families are said to have fled before the invaders, taking refuge in Brittany. The fate of Caen was not the only cause of this panic. Before that city fell, the recollection of the horrid cruelties and indiscriminate pillage which had marked the progress of the English army during the former invasion taught the people what they had now to expect; and it was not until Henry wisely

[1] Juv. des Ursins, 335.

enforced a much more strict discipline upon the present occasion that by degrees the alarm subsided. Nor was his constant policy of gaining over the clergy neglected. All Church property, of whatever description, was spared, and even protected.[1] Nay, when it was found at Caen that a chapel stood against the part of the walls where a breach could with the greatest ease be made, he declined taking advantage of that weak point, lest the sacred edifice might be injured.[2] The priests are said to have repaid this forbearance by rendering him important services against their countrymen.

As Henry had now beyond expectation the prospect of possessing Normandy permanently, he issued a proclamation, giving all the choice of either freely leaving the conquered places, or remaining with the full enjoyment of their property and exercise of their trade, provided they swore allegiance to him as their sovereign. But land and houses seem to have been the property chiefly secured by such declarations; for personal effects, though sometimes mentioned in the articles of capitulation, were generally subjected to the prevailing rule of pillage when no defence had been made by the troops; and the act of generosity for which Henry is praised by contemporary historians is his allowing each soldier to keep what he had taken.

The progress of the English arms was now steady, if not rapid; and before the end of the year, Bayeux,

[1] T. Elm., 102. Rym., ix. 491. [2] T. Liv., 37. T. Elm., 105.

Domfront, and Alençon had fallen. The important town of Falaise, too, had, with its citadel, surrendered after considerable resistance.

The Dauphin and the Constable, upon the capture of Caen, had taken the alarm, and made some attempts to obtain peace. They sent an embassy to Henry, and offered a safe-conduct to any envoys he might send. Their proposition was that he should restore all the conquests made in Normandy, and should consent to hold under the French King as Sovereign Lord whatever districts they might cede to him. But Henry absolutely refused to give up any place which he had taken, or to yield his rights to any which he claimed. The negotiation therefore was speedily broken off; it had not interrupted the hostile operations; and these went on favourably to the English.[1] Oct. 1417.

While Henry was thus engaged in Normandy, the Scots made an inroad on his northern border. Reckoning that the expedition to France had left the country without troops, they marched one army under Douglas to besiege Roxburgh Castle, while another under the Regent Albany attacked Berwick. The Duke of Bedford, however, hastily collected a considerable force; and Exeter, who was in England, levying recruits for the King's service, marched as many as he had raised. Even the aged Archbishop of York collected a large body of men to repulse the barbarous invaders, and, being unable

[1] Note XLIII.

himself to take the field, was borne on a litter, attended by his clergy, and exhorted the people to pray for the Duke's success. So that a powerful army hastened to the Scottish border—some 100,000 men, as the contemporary historians state with their usual exaggeration when they give no particulars. But it is certain that the number was sufficient to terrify the invaders, who made a sudden and disgraceful retreat, were pursued into their own country, and lost no time in dispersing.

This expedition, on which sanguine men had fondly built their hopes, imagining probably that, beside raising their national character at the expense of their rivals, it might lead to the liberation of their captive prince, only sank the reputation of the Scottish arms, and was long after known by the name of "The foul raid."[1] There is no authority for the notion taken up by some writers, that it originated in any English intrigues, or that its promoters had been in communication with the chiefs of the Lollards.[2] But the Scots, beside the discredit, suffered severely for their aggression. As soon as their army was disbanded, the Regent Albany asked for a truce; but all offers of accommodation, or even of respite, were indignantly rejected by Umfraville, Warden of the East Marches. The Scots, he said, were the first to break the peace, in the hope that they should find England unprepared; on them, therefore, must fall the evils of the war. Accordingly, during two years, the

[1] Fordun, Scot. Chron., ii. 449. [2] Note XLIV.

East Border, Tweeddale, Lauderdale, Selkirk, and the country as far as Dunbar, were laid waste with fire and sword, until Henry granted a truce at the pressing instance of Douglas and Dunbar, who repaired to him with the view of staying this severe military execution. It may further be noted, that not only the Archbishop of York, but the Earl of Northumberland also, actively assisted the King's troops in these vindictive proceedings, moved probably to sink his personal grudge in his feelings of national hatred towards the Scottish borderers.[1]

After Henry's progress in Normandy had been successful for above three months, a Parliament was called by the Regent Bedford in order to grant further supplies. The Bishop of Durham was now Chancellor, having succeeded the Bishop of Winchester, absent in Italy, and he delivered a speech or sermon, exhorting his hearers to manful courses and to ply the sword against the enemy, the French and Scotch especially. Choosing for his text "*Comfortamini milites; agite, et gloriosi eritis,*" he took occasion to commemorate all the King's successes both in the former and in the present campaign; and his practical improvement, as the preachers term it, was that the Parliament ought to grant the means of "continuing the Sovereign's gracious expedition into foreign parts, as well as to provide for the security of the realm, both on the northern frontier and on the sea-bord."

[1] T. Liv., 56. T. Wals., 446. T. Elm., 163. Hard., 380; but he makes the "foul raid" happen in 1419.

The Parliament did as they were desired, and granted a subsidy of two tenths and two fifteenths, to be paid in equal moieties at Candlemas next and at the Candlemas after that, but with express prohibition of advancing in any way the terms of payment.[1] There was a parliamentary recognition also made of the security by way of mortgage which the King had given to the Bishop of Winton for the loan of 1400*l.* The subsidy formerly granted of tonnage and poundage had been pledged to the Bishop, and the Parliament ratified this security. It appears that he had also pledged the Crown with his uncle, and had gone to the illegal extremity of alienating it to the lender in case of his own decease before the money was repaid.[2] An important law was at the same time made prohibiting the clergy from appointing as collectors of their tenths persons not belonging to the several archdeaconries in which the money was gathered. This was necessary in order to make the transit of the money safe. But a more important provision was added giving the aid of common law process to enforce the spiritual authority of those collectors.

This Parliament it was that had the grievous discredit of ordering Lord Cobham to execution on the old sentence for heresy, as we have already seen. An act of some violence, though incomparably less important and sanctioned by the practice of the age, received at the same time a parliamentary recog-

[1] Rot. Parl., 5 Hen. V., 2. 9. (iv. 106).
[2] Rot. Parl., iv. 111 (id. 115).

nition. The King had issued his writ commanding six barristers, or apprentices of the law, to take upon them the degree of serjeant; and the Regent complained that they had not complied with its exigency. They now prayed to have the sentence respited to the following Trinity term, promising then to obey, and setting forth the grounds of their application for delay. The Parliament gave its formal assent by statute, placing them at the King's mercy should they fail to perform their undertaking.[1]

The supplies granted by Parliament, and the men raised by Exeter, amounting by some accounts to 15,000, were not the only assistance which Henry's resources for prosecuting his Norman campaign received about this time. The civil war continued in France to desolate and distract the country. During the winter and spring the Burgundian's intrigues were as active as his troops had been during the summer and autumn; and the Queen, now a tool in his hands, powerfully seconded his efforts to subdue the Government and exhaust its means of resisting either himself or the common enemy. Armagnac, meanwhile, endeavoured to regain the towns which the Burgundian had taken, and instead of sending troops to oppose the English he marched an army to Senlis, the siege of which he carried on with a cruelty that added to the gene- 1417-18.

[1] Rot. Parl., 107. There are no statutes on the Stat. Roll as made at this Parliament; but nothing can be more formal than the entry in the Parliament Roll, that the Regent gave his assent, and the Lords heirs, at the prayer of the Commons. Note XLV.

ral hatred he was held in. The Burgundian sent a force to relieve the place; and the garrison having made a sally to support him, the Constable, enraged because they had previously engaged to surrender by a certain day, beheaded four of their hostages, causing their mangled bodies to be hung up before the town. The besieged in revenge put twenty of Armagnac's people to death. There were constant encounters between the contending parties in other parts of the kingdom, the lamentable condition of which, thus suffering at once the miseries of both foreign and intestine warfare, drew the attention of Martin V., recently elected by the Council of Constance, and he sent an embassy to mediate between the adverse factions, if possible to reconcile them. A long negotiation took place at Montereau; and when terms had been agreed upon, to the unspeakable joy of the people, exhausted by the contest, suddenly the Constable, with the Chancellor Marle, Tanneguy du Châtel, Provost of Paris, and one or two more of his partisans, protested against the treaty being concluded, stigmatised it as favourable to the Burgundian, and prevented the King from signing it. All hopes of peace now vanished, and the King's troops were sent to recover Montlheri and other towns which had been lost the year before.

The popular feeling against Armagnac had now reached its height. To his insolence and his oppression was added the grievous offence of maintaining a civil war in the heart of the country, and crippling

its means of opposing a formidable invasion. Of the general indignation thus excited the Burgundian did not fail to take advantage; and at Paris a plot was formed by some of the common people, adherents of that faction, in concert with John de Villiers, Lord of L'Isle Adam, who had lately gone over to them from the Armagnacs. The result was his marching in the night a body of 800 picked men, to whom the conspirators opened the gate of St. Germain, having stolen the keys from the keeper while he slept. The city was thus surprised; and the assailants, being joined by the populace, made their way to the palace, seized the King's person, forced him to ride about with them as if countenancing their proceedings, arrested the Armagnac chiefs, massacred great numbers of their followers, filled the prisons with such as they did not put to death, and committed upon the mansions of the nobles the usual excesses of popular fury armed with a temporary power. Tanneguy du Châtel succeeded in carrying off the Dauphin, first to the Bastille and then to Melun. Afterwards, collecting a body of troops under Marshal de Riez, he made a desperate attack upon L'Isle Adam in hopes of delivering Paris; but they were repulsed with the loss of between three and four hundred men, and, as reinforcements kept pouring in from Picardy to the assistance of the Burgundians, they remained in quiet possession of the capital, issuing whatever orders they thought fit, and holding the King as a mere tool in their

May 29, 1418.

hands. This, however, did not satisfy the multitude. On the 12th of June they rose in great numbers, and, fearing or affecting to fear that the Armagnacs would be set at liberty, although all were under the care of a Burgundian lately appointed Provost of Paris, they broke open the gaols and massacred all the unhappy prisoners, without regard to age, or sex, or cause of detention, insomuch that individuals of their own faction confined for debt perished in the indiscriminate slaughter. This horrid carnage lasted from four in the afternoon till ten next day. The lowest account of the numbers murdered makes them exceed 1600, while others give a much larger estimate. Among them was the Constable himself, whose body was subjected to the most barbarous indignities, such as cutting the skin in the shape of a St. Andrew's Cross, the Burgundian badge. The Chancellor Marle likewise perished, and five bishops, with many other persons of eminent station. The leaders of the party, L'Isle Adam, Luxembourg, Chastellux, rode about encouraging the furious people, and they even had a strong force under arms ready to protect them should any dare to interrupt the work of death. A few days after the thirst of blood again seized these butchers; the houses of all were searched, and a slaughter took place both of the Armagnacs who were found and of all that were suspected of affording them shelter. Between 3000 and 4000 are supposed to have fallen. Whoever had a grudge against another, or wished for whatreason soever to have any person removed out of his

way, had only, we are told, to call him an Armagnac, and his doom was sealed.[1] It is a remarkable fact, offering another resemblance of these outrages to the popular excesses of later times, that a Swiss corps which happened to be at Paris in the pay of the Government[2] was nearly destroyed by the multitude. Among other particulars of this warfare a striking passage has been preserved, illustrating strongly the perversion of all moral feelings to which religious and factious frenzy may give rise. The same people who could witness unmoved the murder and torture of thousands in cold blood were unable to endure an act of disrespect towards a stone image, and put to death with great torments a soldier of their own party who had struck at it with his sword when reeling drunk from a tavern where he had lost his money.[3]

The seizure of Paris was followed by the immediate surrender of Creil, Laon, Peronne, Corbeil, Soissons; and the Burgundian now declared that the time was come when he might appear in person to comfort his emissaries, put himself at the head of his victorious party, and exercise the whole powers of Government in the unhappy King's name. June 14, 1418. He accordingly repaired to the capital, accompanied

[1] Juv. des Urs., 351. Fenin., 468. Monstrel., ch. cxci. and cxcviii.

[2] Juv. des Urs., 350.

[3] Mezer., 11. The day, 3rd July, of this incident continued for ages to be celebrated by burning a soldier's effigy in the street Rue de l'Ours. P. de Fen., 468. Monstrelet, ch. cxc. and cxcviii. Mezer., 11. Juv. des Urs., 350.

by the Queen; but he is said to have been much exasperated at finding that the Constable and the Armagnac chiefs had been destroyed, as he had hoped by obtaining possession of their persons to make his own terms with the Dauphin. That prince, acting under the advice of Louvet, President of Provence, Tanneguy du Châtel, and the Viscount Narbonne, had declared himself Regent, and he now made every effort to continue the war. His troops had frequent engagements with the Burgundians. He took Compiègne and Soissons, and was successful in several other affairs. Meanwhile, the curse of pestilence fell upon the capital, where 80,000 are supposed to have died of it. But even this calamity had not power to extinguish the fury of party. Another massacre, and chiefly of the prisoners, was perpetrated by the mob, led on by Capeluche, the common executioner; and the Duke, exasperated by the unruly conduct of his adherents among the commonalty, was under the necessity of sending six thousand, chiefly of men who had been engaged in these bloody scenes, to serve at the siege of Montlheri, then carrying on. During their absence he brought to punishment some of the most guilty, including Capeluche himself, and thus succeeded in restoring the appearance at least of subordination.

Such was the state of France during the year 1418, when Henry, encouraged by the support of his Parliament, and still more by the condition of his adversaries, was to prosecute his

March, 1418.

operations in Normandy. He commenced these by a somewhat extraordinary proceeding. Continuing his assiduous court to the clergy, and minded also to impress the people with an opinion of his extraordinary piety, he retired to Bayeux, where he kept Lent, without allowing even his military pursuits to interrupt his devotions during the whole forty days of that fast. It appears, however, that he had not the same tenderness for the spiritual welfare of his brothers and the other commanders of his army; for they were directed to carry on the operations of the campaign without any regard to the sacredness of the season. Clarence, at the head of one half the army, took the direction of the eastern part of the duchy, and made himself master of Chambroisé, Harcourt, D'Anville; while Gloucester, with the other half, took the towns of the western part called the Isle (or Peninsula) of Constantine, Sirez, St. Lery, Carentin, Pontdun, St. Samer; and at Easter all Lower Normandy except Cherbourg was in his possession.

Works considerable for the age had added to the natural strength of this town, defended on one side by the sea and the river, and on the others protected from attack by the loose sandy texture of the soil, which prevented the construction of batteries; and though the English had the entire command of the sea, so that they could obtain reinforcements and stores, yet they had no ships of force enough to batter a fortified place. Gloucester was therefore obliged to form the siege as well as

he could, and it lasted nearly six months. In truth, it was rather a blockade than a siege, their naval force enabling the English to prevent any supplies from reaching the town. At one time they were in such hazard of being overpowered by a sally of the numerous garrison, pressed with hunger, that Henry directed succours to be sent from the opposite coast; and a fleet of thirty sail accordingly brought over two thousand men from the west of England. The besieged when they first descried these vessels exulted in the hope that they were coming to their relief; and when they discovered the truth their spirits fell, and the town was surrendered. The chronicles and state papers of the times have preserved no record of the treatment which it received at the hands of the conquerors; but the former represent the Commandant as having ordered the whole of the spacious suburbs to be destroyed by fire when he saw that he was to be attacked. This was indeed necessary in order to deprive the assailants of shelter in carrying on the siege; and it is not easy to conceive the misery which it must have entailed upon the inhabitants.[1]

Aug. 1418.

Sept. 1418.

While Gloucester was reducing Lower Normandy, Henry, at the end of Lent, emerged from the religious shades within which he had for so many weeks confined himself, and took, after considerable resist-

[1] T. Elm., 147. T. Liv., 51. Monstrelet, ch. clxxxi., says that Gascoyne the governor was bribed to surrender, and that Henry, afterwards quarrelling with him, caused him to be beheaded.

ance, several towns in Upper Normandy; but he suspended for a while his military operations, in order to celebrate at Caen the festival of St. George, the guardian saint of England. The towns of Louviers and Pont de l'Arche cost him most time; and it appears that the terms on which they surrendered were to be protected from pillage, but to have their engineers (those who had fired upon the English army) punished with death as though they had been common malefactors.[1] Rouen, the capital of the province, alone remained to be subdued; and before this strong place the King sat down, collecting under his own immediate command all the troops he could spare from his other conquests, reinforced as he had now been by the arrival of Exeter's levies.

But although he had made himself master of all the fortified towns, it became manifest to his clear and acute understanding that he had anything rather than quiet possession of the duchy. His army had behaved with distinguished bravery, and had often succeeded against superior numbers; but the French too had displayed their wonted gallantry, and plainly showed him that he must fight to keep what they had made him fight to win. An attempt of the French to retake Louviers by surprise, undertaken in concert with the inhabitants, had been defeated with some difficulty. The Norman gentry raised a formidable body of volunteers, whose exploits against the invaders were sometimes crowned with victory.

[1] T. Liv., 65. T. Elm., 159.

Among these patriotic men, the name of one (Ambrose de Lore) has been preserved by history as successfully defending the Castle of Courçiers, and defeating the English detachment before it in an important sally. Eager on all occasions to meet the enemies of his country, he again encountered a body of English horse on the banks of the Sar, and overthrew them after an obstinate combat, which the Sovereign commemorated by giving him the honour of knighthood. Then collecting a larger body of troops, he recovered Beaumont and several other places from Henry's captains. Having intelligence that Marche, with a force of five thousand men, was ravaging the country of Maine, in which no regular operations had as yet been undertaken by the English, De Lore set upon him with an inferior number, killed several hundreds, and took many prisoners. Next, this gallant partizan directed his troops against an English detachment at Leu in Normandy, and, though stoutly resisted, defeated them with great slaughter. The government of Fresnoy, which he had recaptured, was conferred upon him; and finding that the neighbouring country was suffering from the cruelty and depredations of the English garrison in Alençon, he marched out of his citadel, attacked the plundering troops near Meaux, drove them to seek shelter in Les Nones, a village surrounded with water, and there defeated them with the loss of three score men left on the field. At length this brave man was taken prisoner in an action against an English force fourfold superior

to his own men, who were entirely cut to pieces or captured. The attack was made by him upon a strong detachment engaged in ravaging Maine; and it must have been successful, but that the Lord Beauveau, the Governor of Anjou, with whom the operation was combined, shamefully deserted his duty, and left the gallant De Lore to engage the enemy alone. Indeed no one can doubt that, had all the French captains equally performed their parts, the English invasion must have failed; but the want of unity and of energy in the central government necessarily made itself felt to the extremities of the country. All the exertions of its brave inhabitants were paralysed by councils feeble and distracted, until the seizure of the chief power by the Burgundian seemed to promise greater energy in the conduct of affairs; yet could even this advantage avail little when the exigencies of the civil war prevented the national force from being employed with any effect against the common enemy.

The apprehension, however, of increased vigour on the part of his adversaries, and the rumours generally believed that the two parties had been in treaty for a junction, appear to have made Henry renew his intrigues with the view of maintaining their differences, possibly with the hope of gaining one of them over to his side. While therefore he prosecuted his operations against Rouen, which was now closely invested, he opened a negotiation with both the Dauphin and the King—that is, the Aug. 1418.

Burgundian and the Queen, who ruled in the unfortunate monarch's name. With the Dauphin the treaty appears to have made some progress. Warwick, Morgan (appointed Chancellor of Normandy), and others on the part of Henry, met the Archbishop of Sens and the rest of the French ambassadors at Alençon, where they remained in constant negotiation, morning and evening, a whole fortnight.[1] There was a preliminary difficulty made as to the language in which the conference should be carried on and the papers written, the English negotiators insisting on the Latin tongue being used, because the doctors of the English embassy were unacquainted with the French. The course was adopted of having a copy of each document in both languages, the Latin to be regarded as the original in case of any dispute upon the sense.[2] An altercation next arose as to which party should bring forward the first proposal; but in the end the French agreed to make an offer, and they tendered the cession of very considerable districts in the south, the Agenois, Perregueux, the Limousin, Rhodez, Bigorre, Angoulême, together with Calais and some other territories in the King's possession. They stated that the dominions thus offered were greater in extent than the kingdom of Arragon or of Navarre. When this proposition

Sept. 10, 1418.

[1] Rym., ix., 632. The protocol is very full, and proves these dates.

[2] Dr. Lingard is mistaken in his statement that this proves the ignorance of French among the upper classes in Henry V.'s time (iii. 366). Henry himself only says, "Doctiores ambassiatæ nostræ." Rym., ix., 656.

was rejected, they added a further part of Guienne, and all the duchy of Normandy east of the Seine, with the exception of Rouen; but the English negotiators having been informed that the Dauphin had given instructions to offer Touraine, Anjou, and even Artois and Flanders, which implied an alliance with him against the Burgundian, from whom these two countries must be conquered, they made a demand to that effect; and the intelligence having in all likelihood been groundless, they met with a civil but direct refusal, the Dauphin's representatives observing that their master had not those dominions to give.[1] On this the English ambassadors took an objection to the Dauphin's title—an objection which, it may be thought, they should rather have urged at the outset than at the close of the negotiation. The Dauphin, they said, was not yet King, and had no right to dispose of the French dominions in his father's lifetime. They also adverted to his being only in his sixteenth year. Certainly these considerations were urged with a bad grace by the very persons who would fain have obtained from the same prince a cession of dominions which neither belonged to himself nor to his father. It is further to be observed that Henry had authorised his envoys to engage for his making no alliance or treaty with the Burgundian during three months. Nevertheless we find him at the same time in corre-

[1] Rym., ix., 642. Juv. des Ursins, 365, gives a flourish as used by the Dauphin, that he would not negotiate with the enemies of his country to destroy his vassal, whom he hoped to have for his friend.—

spondence with the Burgundian himself, beginning to
Oct. 26, Nov. 5, 1418. treat with the nominal King—that is, with the Burgundian—and immediately afterwards carrying on a negotiation directly with him. It came indeed to nothing; for Henry's demands were
Dec. 14, 1418. almost as unreasonable as before: he would have Guienne, Ponthieu, the hand of Catharine, and a dower equal to a million of our money. The Burgundian naturally enough dreaded the entire ruin of his character with the country should he listen to such a demand: it was rejected accordingly, and Henry had recourse to his former cavil when much smaller sacrifices of territory were offered. He said the King, without the Dauphin's concurrence, could not effectually treat, and that it did not become a Duke of Burgundy to alienate the possessions of the French Crown.[1]

It is extremely probable that in all these negotiations both parties were acting with equal bad faith, Henry to divide his two enemies, and each of them to prevent his joining with the other; but it is also possible that if the terms which either of them endeavoured to obtain from his adversary in this diplomatic game had been so advantageous beyond his hopes as offered a temptation to close with him, the desire of peace, expressed or affected, might have forthwith become sincere, and the negotiation proved successful.

The conferences of the envoys at Alençon and

[1] Monstrelet, ch. cxcviii.

Pont de l'Arche had not interrupted the operations of the army before Rouen. These proceeded with great perseverance; and like all sieges in those days, when gunnery was in its infancy, consisted chiefly in cutting off the supplies from the inhabitants, and in occasional skirmishes, sometimes single combats, between the soldiers of the contending armies. The place was strong, both by its position on the Seine and by its works; the garrison was numerous, amounting to four thousand well disciplined troops, under experienced officers; the inhabitants had besides armed four times as many of their own body to defend the town. An obstinate resistance might therefore be expected; and accordingly a haughty answer was given to Henry's summons, which he had accompanied with a threat of all extremities should they hold out. "It was not," the commanders said, "the King of England who had committed the place to their care; nor should he obtain any part of it but what he won by his arms."

As the blockade continued, the sufferings of the wretched inhabitants became truly deplorable. Their numbers are probably exaggerated by contemporary writers, but they must have greatly exceeded a hundred thousand; for beside the townspeople, many had taken refuge within the walls when driven from other places, and bringing their property with them for protection against the depredations of the English troops. The siege too began just before the harvest, so that there was less than the ordinary supply of

provisions. One of the first precautions taken by the commandant, Guy le Bouteillier, was to send twenty thousand destitute persons out of the town;[1] many women and children were thus thrown upon the enemy's hands; but Henry directed his troops to send among them a shower of arrows, the bows slightly drawn, in order rather to frighten them back into the town than to hurt them. The miserable creatures, as might easily have been foreseen, were unable to regain the place, and took shelter in the ditches, where they remained for days in the utmost distress, many of the women being actually taken in labour while thus exposed. It is said that the groans of this wretched multitude at length moved both the assailants and the garrison, so as to obtain from the former a supply of food, and from the latter leave to return. The sufferings of the people in the town were truly dreadful. Every animal, how disgusting soever, that could be eaten, was devoured; not horses alone, and asses, but dogs, cats, rats, mice. But of these the supply was necessarily limited, and all kinds of skins and leather were greedily seized on in the vain hope that nourishment might be extracted from them. Thus the pangs of hunger were soon exchanged for those of sickness, the constant follower in the train of famine; and contemporary historians paint in the most dismal colours the wretchedness which now prevailed; the air filled with howling and groans, the houses and streets with the dead and the dying;

[1] Much greater numbers are given in some accounts.

robust men prostrate, as if paralysed; women frantic from the unhappy fate of their offspring; infants clinging to the breasts of mothers already dead; maidens prostituting themselves for a morsel of bread; and other scenes not to be commemorated lest disgust should be mingled with pity. Nor was it the least of the evils which fell upon this unhappy city, that the law lost all its force, and whether maddened with hunger or with passions of a more guilty origin, the common people regarded no rights of person or of property as sacred. For five long months did this misery endure, and above thirty thousand were cut off beside those who perished by the sword.[1]

The courage of the besieged was of the very highest order and of every kind. No opportunity was left unimproved of engaging the enemy when it was possible to sally forth and combat. But the more rare and more difficult virtue of fortitude also shone conspicuous. When Henry, reckoning upon the effects of their unparalleled sufferings, intimated that he would grant no terms, and required them to surrender at discretion, they with one voice refused, and desired that their agonies might continue, preferring to sink under hunger and pestilence rather than trust to the mercy of one quite capable of delivering them over to the executioner. To one of their deputations he gave for answer that they

[1] T. Liv., 68. T. Elm., 196. Monstrelet, ch. cci. He says 50,000 perished.

deserved their fate, because by their resistance they flew in the face of Heaven, which had plainly decided in his favour by the victories he had been allowed to gain.[1] To another he complained bitterly of a prelate who had preached against him, and on whom he vowed he should be revenged; nor was his vow broken. The garrison, thus treated and thus threatened, resolved to make one great and last effort, as every application at Paris for help was met with the statement that the civil war required all the troops which could keep the field. They determined to undermine the wall for many yards, and to prop it with timber, which being set on fire, and bringing down the stones, would leave a large gap, by which their whole armed force might rush, and in a compact body cut its way through the besieging army, trusting to chance for the saving of their wretched lives. The rumour of this desperate but formidable design reached Henry, and he allowed them to capitulate, though upon terms very different from those which their gallant defence deserved.[2] All property was to be safe, provided the owner swore allegiance to England. The persons and possessions of those who refused were to be at the King's mercy. A sum of nearly half a million was to be paid; one moiety within ten days, the remainder in five weeks. The whole personal property, to the very ornaments of their uniforms, was to be taken

Jan. 19, 1419.

[1] T. Liv., 69.

[2] Rym., ix. 664. Monstrelet, ch. ccii. Juv. des Urs., 357.

from the brave garrison; and this cruel and insulting stipulation was so rigorously enforced, that the officers were stripped as they marched out; and hence those who came behind and witnessed this outrage, cast into the river such things as they could not conceal about their persons. Finally seven individuals were exempted from the amnesty granted. One of them, the leader of the Commons, Allan Blanche, Henry caused to be beheaded immediately after the surrender; another, the prelate, of whom mention has been made, ended his days in a dark and loathsome dungeon. The payment of ransom enabled the rest to escape with their lives.[1]

When Henry entered the town, with a splendour and a pomp which formed a mighty contrast to the condition of his miserable conquest, he first of all proceeded to the cathedral, and kneeling at the great altar, commanded the priests to sing a Te Deum for his success. It is unnecessary to inquire what must have been the effect of this pious scene upon the unhappy people, the victims of his sordid and blood-thirsty ambition, when now they beheld him profaning their church and insulting its pastors by his orders to thank heaven for the unexampled sufferings he had been permitted to inflict upon themselves and their native land!

The operations of the siege had not obtained for the surrounding country any respite from the inexorable system of depredation which Henry connived

[1] Monstrelet, ch. ccii.

at,—certainly never exerted himself to check. The whole neighbouring districts, and even Brittany and the Isle of France, were ravaged by parties of plunderers, whose cruelties kept pace with their insatiable thirst of spoil. The sordid exploits in this kind of one body of his troops are much dwelt upon by the writers of that age. It was a multitude, ill-clothed, worse armed, wholly undisciplined, of wild Irish, to the number of some thousands. These savages had only one shoe and stocking, the other leg was bare; a target and strange kind of knife was all their armour; some few only were mounted, and rode without any saddle. They were the terror of the country, for they rifled whatever place they entered, and carried off men and women, and even children in their cradles, placing them on the backs of cows which they had stolen, and selling them for slaves.[1]

The capture of Rouen was followed by the fall of Fécamp, Caudebec, Mantes, and about forty other towns; and the terror struck into the kingdom, Brittany and Isle de France as well as Normandy, by the ravages of the English troops, appears to have at length awakened in the chiefs of the contending factions which divided the government some feelings, if not of compassion for their country or remorse for the miseries they had brought upon it, at least of apprehension that the power they were contending for might speedily be wrested from both

[1] Monstrelet, ch. cxcvi.

Burgundian and Armagnac by their common enemy. Each party, however, first attempted to renew the negotiation with Henry in the hope of finally by his aid defeating its rival. The Dauphin's ambassadors were assured by Henry that he only desired to have the sovereignty of all he had now conquered, and all that the Peace of Bretigny[1] had secured to Edward III., and he asked a personal interview with their master, which was agreed to; but that Prince feeling it impossible to take this basis for the negotiation never came to Dreux, the place appointed for the meeting. The Burgundian then proposed to treat, and English ambassadors were sent to him at Provins, where at that time the King, his tool and pageant, held his court. But the Dauphin's troops set upon them on their way thither, and were repulsed with great loss by the united English and Burgundian guard. An agreement was then come to that the parties should meet in person, and accordingly Henry and his court met the Burgundian, accompanied by the Queen and the Princess Catherine, at Meulan on the Seine. The meeting took place with all the pomp and magnificence usual in that age on such occasions. The French King's melancholy illness being then sorely upon him, prevented him from appearing; but his beautiful daughter is said to have

Feb. 1419.

Feb. 26, 1419.

May, 1419.

[1] Called the Great Peace: it gave England in absolute sovereignty and also in fief Guienne and Poitou in the south, Calais, Guisnes, and Ponthieu in the north; all these had long since been reconquered by France.

made a tender impression upon the English monarch, insomuch that the Queen-mother, with the calculating and sanguine spirit of her sex, hoped for better terms. In this, however, she was disappointed, for he insisted upon the Peace of Bretigny, the independent sovereignty of all his recent conquests, as well as the Princess's hand, and he refused to give up his claim to the crown itself, which had been abandoned by Edward III. at that peace. The listening to such terms as these the Burgundian, like the Dauphin, felt would be his destruction with the people of France, and Henry lost his temper on meeting a spirit as high as his own. "Know, fair cousin," said he, "that we will have the daughter of your King, and all else we have asked, or we will drive him and you out of his kingdom." To this unseemly threat the reply was immediate, and it was calm as well as firm: "Sire, you are pleased to say so; but before you can do so, I make no doubt that you will be heartily tired."[1]

July 11, 1419. "This negotiation being thus at an end, another was set on foot between the Burgundian and the Dauphin. They met at Melun, and in a week concluded a treaty by which it was agreed that all former differences should be buried in oblivion; that the Duke should honour and obey the Dauphin next after the King; that the administration of the government should be carried on by them jointly; and that both parties with their ad-

[1] Monstrelet, ch. ccvii. Mez., i. 1022.

herents should unite in pursuing the most rigorous measures for reforming all abuses at home, and for defending the realm against "the damnable enterprize of the English."[1] To this important instrument were affixed, beside the names of the two chiefs, those also of the other Princes, of the Prelates, and of the magistrates of different towns. It was brought to Paris with much solemnity by the Archbishop of Sens, and with letters from the Dauphin and the Duke, as well as an edict of the King, was read in full Parliament, the members of which were sworn to its observance. The peace was then proclaimed with a general amnesty, a procession was made to the church of St. Martin des Champs, and thanks were returned for this happy consummation. The Dauphin and the Burgundian proceeded immediately to withdraw their forces from whatever posts they held hostilely to each other, or they only kept garrisons in towns exposed to the English; while each appointed such commanders and such governors of different places as were acceptable to both parties. The joy diffused by this auspicious event was general; it was lively, too, in proportion to the distressing evils which the civil broils had brought upon the country, and to the grievous inconvenience which the people had so long endured in the management of

July 20, 1419.

[1] Rym., ix. 770. Monstrelet, ch. ccvii. Juv. des Urs., 367. He represents the Burgundian and Queen as having acceded outwardly, in the conference at Meulan, to Henry's terms, but resolved to make demands which they knew he would not agree to. He also represent the treaty of Melun as never having been quite finished.

their ordinary concerns even in districts exempt from the immediate pressure of the war.

It must be confessed that this change in the relative position of his adversaries was calculated to effect a great revolution in Henry's prospects, and it appears manifest that he owed the perils by which he was now surrounded altogether to his own headstrong violence. Those perils, notwithstanding his successes, were of the most formidable magnitude. His occupation of the Norman Duchy was confined entirely to the ground held by his troops. On the part of the inhabitants, no indication whatever had appeared of a disposition to submit, and receive him for their sovereign. Terror subdued for the moment the common people who could not quit their towns and villages, or the peasantry who were attached to the soil; and many who at first had fled were induced by the sufferings of an exiled or a wandering life to return when the conqueror promised them protection. But the submission thus rendered was by compulsion; and so many, especially of the artificers and other crafts, remained permanently in those parts of the country whither they had fled, that some of the most flourishing towns in Brittany and the well known fabrics of the province trace their origin to this invasion. On the other hand, no person of mark, no nobles, or knights, or considerable landowners of any rank yielded even an outward obedience, much less did any of that class take the invader's part. They almost all continued in the neighbouring province,

insomuch that its historians consider most of the Breton families to have been originally Norman.[1] Henry in vain appealed to the Normans as the ancient subjects of his crown. Such language was wholly unintelligible to the inhabitants of a territory which had for two centuries been severed from the English dominions, and which had long since been reclaimed from the national prejudice once so prevalent against France during the accidental connexion of the Duchy with England. The only person of any distinction who is recorded as having sworn allegiance to Henry is Guy le Bouteillier; and although this was in all likelihood only the result of a desire to retain his extensive possessions, it stamped him with infamy among his countrymen, and gave birth to a conviction in their minds, unsupported by proof and at variance with the well known history of the siege, that he had betrayed his trust while Commandant of Rouen at the surrender of the town. The failure of a sortie by the props of the bridge being secretly sawed through was universally imputed to his treachery, no man doubting that they had been cut by his orders. All Henry's measures for consolidating his dominion and for gaining over the Normans, though not ill combined, had failed, because coupled with acts of a conquering power. The establishment of courts and chambers of accounts in the greater towns, and the appointment of able captains as their governors, had been accompanied with grants of the lands

[1] B. d'Argentine's Hist. de Bretagne, tom. ii. p. 17.

forfeited by the proprietors who refused to hold them under England, and the new government was thus rendered hateful in each place. The proclamation offering those who had fled permission to retain their property was coupled with the condition of their doing homage to the conqueror; so that many refused such terms, preferring confiscation, and those who accepted them were reduced rather to silence than subjection. Even the lowering of an oppressive tax, the gabelle, or duty on salt, had been found to afford little relief; for an impost equal to a fourth of the value was retained, and the exclusive power of selling the article was vested in public functionaries whose malversations had been described in the edict as the principal part of the burthen, and assigned as the ground of the reduction.[1] The necessities of the war, too, had made Henry during the next year add to this duty. Then, although he succeeded in making a truce with the Duke of Brittany, which relieved him from some apprehension on that side, yet in Gascony he was threatened with an unexpected attack from the Spaniards, whose fleet scoured those seas, and who were preparing to besiege Bayonne.[2] A large force was also destined by the Castilian Monarch to aid the Dauphin, whose cause he warmly espoused; and troops from Scotland were daily expected to join that prince, under Buchan, a skilful and experienced commander.

While all Henry's attempts failed to obtain succours

[1] Rym., ix. 584. [2] Ib., ix. 793.

from his dominions in the south of France, in England a growing discontent with the duration of the war prevented him from calling a Parliament during the whole of the year 1418, and until the latter end of the following year. He constantly urged Bedford to send him recruits, stating that his army was greatly weakened both by losses in the field and by the number of men which he was obliged to leave in the conquered towns. The Regent's exertions, however, though backed by the King's own letter and proclamations addressed both to the counties and to individuals, failed to produce the desired effect; for the answer generally given was that the able-bodied men were almost all serving in the army already. In this state of things he all of a sudden found the main source of his past successes cut off by the unexpected reconcilement of the Burgundians and Armagnacs, and saw that he had now to encounter the united force of the monarchy in the field, as well as the rage of the people whom he had invaded and oppressed, but not enslaved. He had every reason, indeed, to expect that as soon as a formidable army took the field against him, the inhabitants would rise in his rear and cut off his retreat. Already he had experienced their disposition to revolt against his garrisons in the principal towns; and a conspiracy of the people of Rouen to deliver up the place to the Burgundians had only been defeated by the governor, Guy le Bouteillier, to whom the ringleaders confided their design, but who

March, April, 1419.

denounced them to Henry, and had them put to death.

In this situation of complicated difficulty, his wonted courage and decision did not forsake him. Pressing forward, in order to make a great impression before the newly formed alliance of his adversaries should have time to be consolidated and produce a cordial co-operation, he marched a strong detachment to Pontoise, a fortified place, about nineteen miles from the capital, and left under the command of L'Isle Adam: he was taken by surprise, and fled with his garrison and the wealthy inhabitants through the gate leading to Paris, as the English entered by the opposite gate. They thus obtained possession of the town, which they gave up to pillage. The riches which it contained, from the number of persons who had taken refuge within its walls, were in great part removed on the first alarm being given that the English were entering; but such was the insubordination which prevailed in the country, that the fugitives, who directed their steps towards Beauvais, were met and rifled on the way by some of the predatory bands which since the commencement of the civil war infested all parts of France. Upon the capture of this place, Clarence was sent to attack Gisors, and before it surrendered he marched his troops close to the walls of Paris, ravaging all the districts in the neighbourhood. The fall of Pontoise and the bold movement of Clarence threw the Parisians into such consternation that no troops were

July 31, 1419.

marched out to chastise the bravado of the English, although they remained two days under the walls. The Burgundian, too, perceiving that the capital was not secure from a surprise, deemed it prudent to remove the court, and he established it at Troyes. Meanwhile Henry sustained a reverse by the Dauphin's troops retaking Avranches and Pontorson. But an event now happened, wholly unexpected, which at once extricated him from all his difficulties, and not only gave a new aspect to the state of his affairs, but a new complexion to his whole enterprise.

Whether the reconcilement of the Dauphin and the Burgundian had from the first been insincere, or that, as oftentimes happens, their followers, especially the favourites, retained their former animosities, or that some jealousy of the more able and eminent individual, heightened probably by his not having found it easy to lay aside the habit of command, arose in the mind of the inferior party, certain it is that some differences were perceivable soon after the treaty of Melun, and seemed likely enough to obstruct the complete execution of its provisions. A meeting of the two chiefs was strongly recommended by the Dauphin's counsellors, upon the plausible pretext of improving their amicable dispositions, and concerting measures against the English. He was then at Montereau, on the junction of the Yonne and Seine,[1] with

[1] It is called Montereau-faut-Yonne, formerly "où-faut-Yonne;" that is, Montereau where the Yonne fails or is lost in the Seine.

Jean Louvet, President of Provence, and Tanneguy du Chastel, his chief advisers, as we have seen; and he had a large army with him also. It was proposed that the Burgundian should repair thither, and occupy the castle, which was made ready for his reception; but he was extremely unwilling to quit Troyes, and proposed that the Dauphin should rather go there, to visit the King and Queen. This correspondence was carried on by Tanneguy. He had been one of the Dauphin's most zealous adherents, and hitherto the implacable enemy of the Duke. With him, nevertheless, he found means to prevail so far that he set out attended by a few hundred men, and arrived at Bray-sur-Seine. Here his misgivings returned, and he would proceed no farther. It happened unfortunately for him that his chief counsellor, the Bishop of Langres, had a brother in the Dauphin's service, the Bishop of Valence, who was despatched to make his relative join in the general solicitation; but without female influence the united efforts of the two prelates would probably have failed. Nor was this wanting. Madame de Giac, whose husband was one of the Duke's counsellors, enjoyed in a peculiar manner his favour. She had been a zealous promoter of the treaty at Melun, and now exerting her powerful influence to promote the desired interview, she succeeded in lulling all suspicions. A Jew, one of the Burgundian's retainers, earnestly besought him not to go, predicting that if he went he never would return; but this warning was disregarded, and he

Sept. 1419.

rode on with his suite.[1] When he came near to Montereau, he was met by three of his adherents who had left the place to warn him that there were barriers erected on the spot appointed for the conference, and that their position gave the Dauphin's party a manifest advantage. A council was now held, and a circumstance so pregnant with suspicion created a great division of opinion, some strongly dissuading the step, others declaring in favour of it, on the conviction that any treachery was wholly impossible. To the latter class the lady gave her support, and their sentiments were in harmony with the undaunted nature of the man who shrunk from the imputation of holding back through fear—probably, too, from the responsibility sure to be cast upon him of having revived the quarrel so lately appeased. Thus he went forward, and took possession of his apartments in the castle, with a moderate body-guard, posting the rest of his men at the gate leading to the town.

He had not arrived many minutes when Tanneguy du Chastel came to say that the Dauphin expected him; and he walked, accompanied by ten only of his suite, towards the bridge, upon which an inclosure, formed by a double barrier, was erected as the place of meeting. Arrived at the first barrier, he was met by some of the Dauphin's people sent to hasten his approach, by telling him their lord was kept waiting. Again he had misgivings, as well he might, if all

[1] Charles is said to have had 20,000 with him; Jean only 700.

these things are correctly represented; and he asked his attendants if they thought him safe. They said they were willing to run the same risk, and felt it to be nothing. He bade them keep close by him; he entered the first barrier. Again he was met by messengers who begged him to make haste, for the Dauphin was waiting. "I am going to him," said he, and with his suite entered the second barrier, which was immediately closed and locked by the sentinels. Here he met Tanneguy, and probably from a lurking suspicion and the consequent wish to make treachery more difficult, placing his hand on the man's shoulder he said, "Here is he in whom I put my trust." Passing on he came near the Dauphin, whom he found outside the barrier on his own side, and leaning on it, completely armed. The Duke dropped on one knee, respectfully saluting him, but he only met reproaches in bitter terms, charging him with neither withdrawing his garrisons, nor attacking the English according to the treaty. He was still on one knee, when Loire, an Armagnac knight, tauntingly bade him rise from a posture unbecoming so great a lord. The Duke saw now that he was betrayed, and moved his hand to his sword, which had got entangled behind him. "What!" cried Loire, "do you draw in the Dauphin's presence?" Tanneguy now advanced, gave the signal to his accomplices by exclaiming, "It is the time!" and struck the Duke so violently in the face with his battle-axe that he was felled down, and part of his chin was cut off. He started on his legs,

but before he could draw his sword the assassins despatched him, and repeated their blows after he was dead. Barnard de Navailles attempted to resist, and wrested the dagger from the hand of the Viscount de Narbonne, who had been set to watch him; but he was immediately killed by the rest. Of the other Burgundians who had followed their lord to the bridge, three were wounded in attempting to resist, one escaped, and the rest were made prisoners. The Dauphin is said to have looked on while this bloody scene was enacted as one much alarmed; and while the scuffle yet continued, he was conducted to his lodgings by the President Louvet and the rest of his counsellors.[1]

Alarmed in truth he well might be; for never was a deed perpetrated the absolute folly of which, at least equal to its guilt, was so certain to bring condign punishment upon its contrivers, always supposing they were personages who had an interest in the safety of their country. Nor is this a judgment pronounced after the event. No one could possibly doubt that the murder of the Burgundian at once placed an insuperable bar in the way of reconcilement between the two parties which divided France. No one could deny that the distractions thus inevitably continued must speedily throw the State into the hands of the common enemy, and whichever of the two factions he chose to join. That the cutting off the powerful leader of the Bourguignons should either destroy

[1] Monstrelet, ccxii. Mez., ii. 1023.

them, or force them, for want of a head, to acknowledge the dominion of their chief's assassin, was a supposition so contrary to all experience of human nature as to be wholly absurd, even if the fact were not well known that the heir of his name and his dominions had already distinguished himself, and proved his possessing a capacity for command. That he should allow any romantic sense of duty towards the State to master the natural feelings of revenge against his father's murderers was as little to be expected; and, indeed, in those times it is very likely that the approval of the world would rather have been withheld from a patriotic than from a vindictive course of action. Hence all men at once perceived what the few patriots then to be found in France deplored, the inevitable ruin of the country, the destruction of the Armagnacs by defeat, of the Bourguignons by treason, while the deplorable catastrophe that impended was not likely even to benefit permanently the party certain to gain by it in the first instance; for in the end England, next after France, was sure to be the greatest sufferer.

It is not easy to suppose that the Dauphin should himself have been blind to what the most cursory reflection rendered so manifest; and therefore it is exceedingly difficult to believe that he could have been a willing party to the murder. Although he had not then, any more than he did for many years after, exerted his eminent natural abilities, yet he possessed them; and he must have seen the perils by

which he would be surrounded, whether a plot against the Burgundian's life succeeded or failed. That it should have originated with him, then, is in the highest degree improbable. On the other hand, the whole transaction bears the mark of so much preparation, and his passive demeanour during its progress is so inconsistent with the supposition of his entire ignorance, that in the absence of all positive evidence we are almost unavoidably led to believe, not that he was a party to the formation of the plan, but that he acquiesced in its execution. To this inference we are further guided by several obvious considerations beside those which have been mentioned. He had hitherto been in the hands of the Armagnac chiefs, first of the Court, then of Louvet, and always of Tanneguy du Chastel, a man of great courage, of no scruples, of imperious temper. For the Burgundian he had from his infancy been brought up to entertain the utmost aversion, and his hatred was largely mingled with fear. Towards his mother, of late closely allied with the Duke, he had the strong feeling of dislike which a consciousness of having done a wrong ever inspires, but never so strongly as when the victim of our maltreatment stands in the near relation of friendship or of blood. A mind thus prepared at once by inexperience and by passion might easily receive impressions from more powerful and more practised natures; and they probably did not find it difficult to persuade the Dauphin that the removal of his rival would take out of his way the only obstacle to his

regaining the ascendant, of which the Constable's death had deprived the party, while they disguised the enormity of the act by the sophistry that it was retaliating upon the Bourguignons the blow which their murder of Orleans, the Dauphin's uncle, had inflicted upon the Armagnacs.

The probability, no doubt, is that the plot originated with the more violent leaders of the party, those attached to Orleans. Tanneguy had stood high in his favour, holding by his appointment the place of Provost of Paris; Narbonne, Loire, Bataille, had been in his service, the latter present at his assassination; and some accounts describe him as having, when he struck the Duke, taunted him with the murder of his master—"You cut off his hand, and I will cut off yours."[1] The vehemence of Tanneguy's hatred to the Burgundian, as well as of his zeal for Orleans, is recorded by all writers; and it seems impossible to avoid joining in the belief which has ever since generally prevailed, that he was the ringleader in the conspiracy, as well as the most prominent actor in its execution.

No sooner was the Duke despatched than his followers, who during the affray had shut themselves up in the castle, were summoned to surrender, and refused unless terms were granted. An attempt was then made to gain them over; they were promised a share in the offices of state under the Dauphin, but this they all rejected with indignation; and as soon

[1] Juv. des Urs., 373.

as they were certain they could retire in safety, they marched out, none remaining with the other party, except Giac and one Jossequin, a man raised from the lowest rank by the Burgundian's favour. These, with the wife of the former, naturally enough feared to accompany the rest; for there can be no doubt that they had been accomplices in the murder. An act of singular meanness was added to the more atrocious parts of this tragedy; the Duke's property, which he had brought to Montereau, consisting probably of money and jewels, was seized by the Dauphin as if it had been spoil taken in war.[1]

That Prince and his advisers now found it necessary to make a public defence of their conduct. Letters were addressed by him or in his name to Paris and the other great towns, throwing the blame upon the Burgundian, who was charged with having used unbecoming language and drawn his sword against the Dauphin, and was represented as having been "put to death on the spot for his mad conduct." No credit whatever was given to this story. Montague, one of the Burgundian lords, on his return to Bray-sur-Seine, despatched to various places a full account of what had passed, accusing the Dauphin and his adherents of the murder; but even without a formal contradiction, their statement was universally disbelieved, and the only difference in this respect between the two parties which divided the country was, that the Armagnacs excused their chief

[1] Note XLVII.

as having been a passive instrument in the hands of others, while the Burgundians regarded him as one of the conspirators, if not their leader.

The consternation and the horror which seized the whole people as soon as the affair of Montereau was made known may easily be conceived. Men's minds in these times had become accustomed to the most sanguinary catastrophes, so that deeds of mere cruelty did not very powerfully excite their feelings; but the spirit of the age made acts of treachery be regarded with peculiar aversion; and the assassination of a great chief while attending a conference with the ally who had plighted his faith by the most solemn oaths upon the Eucharist itself, outraged every feeling of honour, all sense of religion. The general reprobation which was called forth wrought an incalculable injury to the cause and to the character of the Dauphin. The allowance which calmer judges were after a while disposed to make for his youth, and in consideration of the influence exercised over him by his imperious counsellors, was at first wholly withheld even by the bulk of his own party. But it was at Paris, so devoted to his adversaries, that the public indignation most vehemently broke forth; and the desire of revenging their leader's death instantly filled all men's minds, denying access to every counsel of prudence and every feeling of patriotism.

But first there was an outrage on all justice committed by the government; many persons known to be of the Armagnac party were seized and cast into prison;

and some of them were put to death with little regularity of procedure and upon no evidence of guilt.[1] Then a communication was opened with the English ;[2] a truce was soon agreed upon ; a deputation was sent to Philip, Count of Charolais, Duke John's son, who succeeded him in his principality. Morvilliers, President of the Parliament, was the bearer of an urgent entreaty from the chief office-bearers and most distinguished inhabitants of the capital that he would, by all the means in his power, bring his father's murderers to justice ; all men renewed their oaths of fidelity to the Crown and against its enemies ; and exhortations to follow the same course were despatched into the other towns which adhered to the Court. Philip, the new duke, on his part was entirely filled with the same sentiments ; the desire of revenging his father's death ruled him with undivided sway ; and the Queen, wholly dead to maternal affection, as well as enraged at the loss of her most powerful ally, fully shared in feelings which were so much more natural, if not more excusable, in the victim's son. Without any delay a communication was opened between the Court at Troyes and Henry. Philip entered willingly into negotiation with him, and received his proposals. The terms upon which the English prince agreed to an alliance, and to aid in

[1] Monstrelet, ch. ccxiv.

[2] The news of the assassination reached Paris 11th September, and before the 24th Henry was in communication with the governors and chiefs at Paris, and with the Court at Troyes. Rym., ix. 797.

making war on "the invaders,"[1] as the treaty called them, were plainly enough stated. Not only he demanded the Princess Catherine in marriage, but he must have the Regency of France during the King's life, and after his decease the Crown of France absolutely to him and to his heirs for ever; and he further required that all the dignitaries of the realm, whether civil or ecclesiastical, should swear allegiance to him as Regent now, as Sovereign hereafter. This proposition, the possibility of making which afforded an awful commentary on the state of the kingdom, was dated on the 24th of October, was received at Martinmas, and was accepted on the 2nd December. Three weeks later Henry became bound by a separate convention to aid Philip in bringing the murderers to justice, and to grant him, when the Regency should commence, certain districts in France, bordering on Burgundy, to be holden as a fief under the Crown. These contracts form the treaty of Arras, and the foundation of that which was afterwards more formally made with Charles and his queen at Troyes. In order to explain the close friendship which, as the transaction proved, had been cemented between Henry and Philip, a reference is carefully made in the instruments to the connexion by marriage which would make them brothers-in-law, the Duchess of Burgundy being Catherine's sister.

1419. Oct. 24. Nov. 11. Dec. 2.

[1] In the treaties between Henry and Philip this is the expression. The Dauphin's illegal and rebellious conduct only is mentioned in those with Charles VI. Rym., ix. 816. 825.

The project of a marriage, which afterwards took place and was then debated, between Philip's sister and Bedford,[1] is also set forth as forming an additional tie.

Although everything of any moment in this extraordinary transaction had been settled at Arras between the real parties, a considerable time elapsed before the negotiation between Philip's instruments, the Court at Troyes, and Henry's ambassadors, ended in the treaty which was to be public and binding on all parties.[2] It was not till the 9th April that the preliminaries were signed, and they bore evidence of the causes from which the delay had arisen. The unheard-of proceeding by which two foreigners, Philip and the Queen, while the King was suffering under mental derangement, took upon themselves, for the gratification of their own vindictive passions, to alienate the Crown of France, transferring it to a stranger, and that stranger the King of England, enemy of the country, was enough to rouse the most indifferent of French subjects, to startle the most zealous of Burgundian partisans. Of this enormity it was a serious, though in the comparison perhaps an unimportant aggravation, that the fundamental law of the monarchy was rudely broken through,

April 9, 1420.

[1] Rym., ix. 521.

[2] The substance of the treaty of Arras had been allowed to transpire; for, on the 24th Feb., 1420, Henry refers to his expectation of his succeeding to the crown in his answer to an address from Paris. Rym., ix. 854.

which suffered on no account a female to fill the throne or transmit the inheritance of it. Half the kingdom, too, at the time of making this general conveyance of it, was in the hands, not of the parties to the transaction, but of the heir apparent, whose title no one affected to doubt, while Philip's adherents, even if they unanimously approved of the surrender, formed only one party in any portion of the country. The four months, then, that elapsed between the treaty of Arras and the preliminaries of Troyes must have been spent in attempting to smooth away the difficulties which it was naturally enough expected that the feelings of the people would create as soon as the whole affair should be known, and in obtaining from Henry something like concessions by which the general indignation might be allayed. Accordingly we find that beside putting forward the release of all claim to portion with the Princess, and dwelling on the filial relation in which Henry was in future to stand towards the King and Queen of France, there are provisions introduced which were not in the treaty of Arras, and which might seem calculated in some degree to disarm the public jealousy. A considerable jointure[1] was settled on the Princess; the rights of the Parliament, and of the nobles, cities, and individuals, were to be preserved; no taxes were to be levied except such as the public service required, and these according to the customs of the realm; all conquests made during the Re-

[1] Equal to 50,000*l.* of our money.

gency were to be made for the Crown; and the Duchy of Normandy was to be restored to France immediately on Henry's accession at the King's decease. Finally, Henry was on no account to take the title of King during Charles's life. This last stipulation was the more necessary because he had hitherto always in his proclamations called himself "King of France and England," and had probably given offence by this wanton and useless act. It is to be observed that while these articles affect to provide a security for the rights of the French people by words nugatory and inoperative, they impose no obligation whatever to employ Frenchmen rather than Englishmen in the public service. We can hardly doubt that some such provision was pressed upon Henry; and the silence of the preliminaries only shows that he would listen to no such proposition. But there was retained the most offensive part of the Arras treaty, by which all persons were to swear allegiance to him and his heirs as Kings of France.[1] It is probably in reference to this provision that a contemporary writer, after stating the principal matters in the treaty, speaks of "certain other things which for their iniquity and wickedness must not be mentioned."[2]

It affords a singular proof of the degree to which Henry's ambition, buoyed up by the dazzling success of his arms, had infected those about him, perhaps

[1] Rym., ix. 877.

[2] Juv. des Urs., 377: "promesses qu'il ne faut pas réciter pour l'iniquité et mauvaiseté d'ycelles."

his people at large, that when these preliminaries were laid before his English Council many objections were raised, turning for the most part upon the abandonment of his style as King of France, and the postponement till Charles's death of his accession to the French crown. Led away by the dream of his hereditary right, these thoughtless men were alarmed lest it might be impeached by being waived for a time. The King himself, as we may well suppose, satisfied with a success in obtaining the substance, beyond his most sanguine hopes, was wholly regardless of the shadow, and proceeded to the completion of the transaction undisturbed by the remonstrances of his advisers, which he probably conceived might proceed in part from adulation mingling itself with their folly.

He repaired to Troyes with a considerable army,[1] and made his entry with a splendid retinue of courtiers and officers richly caparisoned, himself displaying, as he had done at Rouen, beside his armorial bearings, an emblazoned fox-tail, the emblem of that craft to which, not less than to his arms, he fondly ascribed his success.[2] A week was now spent in finishing the transaction; some slight changes were made in the preliminary articles, particularly by adding an obligation binding both the French Court and the Burgundian, as well as Henry,

May 14, 1420.

[1] Some accounts say 1600, some as many thousands. Hol., iii. 113.

[2] It is remarkable that, notwithstanding the amicable appearance of things, such were the apprehensions of treachery then prevalent, especially after the late assassination, that the preliminaries contained an article binding each party to use no fraud or force against the other.

never to make a separate peace with the Dauphin, or without the assent of the States of the realm, and by providing that when England and France should be united under one sovereign, each should be governed by its own laws.[1]

On the 21st of May was finally ratified and signed by all the parties this, the most disgraceful treaty that was ever made by a civilized nation, which the French people have justly in all times regarded as fixing upon the reputation of their country a stain not to be effaced; for if it was the work of factious and selfish leaders, it was also acquiesced in by their numberless adherents; and even those of the opposite party must bear their full share of the blame, inasmuch as the divisions by which the nation was distracted made the general resolution prevail rather to receive a foreign yoke than fall under the dominion of adversaries at home. On Trinity Sunday, a few days after the ratification, the marriage of Henry with Catherine was solemnized with great pomp, according to the rites of the Gallican Church.[2] The treaty was some months after, with a base exultation, accepted and registered by the States of the Realm as the "law of the Monarchy;"[3] and a little later, with a somewhat more natural, if not very considerate satisfaction, it was approved by the English Parliament.[4]

June 2, 1420.

Dec. 1420. Jan. 1421.

Whether it was that this connexion with the House

[1] Rym., ix. 902, 3.
[2] Juv. des Urs., 377.
[3] Rym., x. 30.
[4] Rot. Par., iv. 135.

of Lancaster, and the aid which it obtained for the French Queen's party, suggested the project of a similar alliance to the Court of Naples, or that Henry had himself commenced a new intrigue, is not quite clear. But Joanna, the Queen, a woman noted for her unprincipled character even among Italian princesses, and no less famous for her profligate life, sent an ambassador[1] to offer Bedford the succession to her Crown, with the immediate promulgation of his being adopted as her heir, on condition that he would, with a suitable force, hasten to her assistance against Louis of Anjou, who, under the Pope's protection, was claiming Naples by virtue of a decision in his favour pronounced at the Council of Constance three years before. Considerable progress was made in this negotiation; and as Bedford was resolved to have good security before he embarked in the enterprise, he required not only to be created Duke of Calabria, the heir apparent's usual title, but also to be put into immediate possession of that duchy and of the two ports of Reggio and Benevento, to be treated in all respects as Joanna's son, and to have for himself whatever territory or spoil he might take from the enemy. Upon these conditions, which were acceded to, he agreed to advance a sum of money and to carry over thirteen thousand men for her defence.[2] There are no traces left of the manner in which this negotiation was broken off. In all probability the apprehension of exciting jealousy in the French and Burgundian

[1] Rym., ix. 855. [2] Ibid., 705.

Court made Henry prefer prosecuting the marriage between his brother and the sister of Philip.[1] Joanna having made the same offers to Alphonso, king of Arragon, as she had done to Bedford, was assisted by that prince; and though, afterwards quarrelling with him, she revoked his adoption, he maintained his ground, and founded the Arragonese dynasty in Sicily and Naples. But it affords a singular instance of the universal activity of Henry in political intrigue, that at the same moment when the negotiation with Joanna for her adoption of Bedford was commenced, he sent ambassadors to Lorraine and to Nuremberg to treat of his marriage with princesses of those Houses, beside giving them a general commission to obtain the hand of any one of the Emperor Sigismund's relatives; and at the same time he sent ambassadors to treat for marriage between his other brother Gloucester and the daughter of the King of Navarre.[2]

While the negotiations were going on which ended in the treaty of Troyes there was a truce between the English and the Burgundian towns; but Philip, collecting round him L'Isle Adam, Luxembourg, and the rest of his father's captains, continued the war against the Dauphin, who had surprised several towns, among others Crespigny and Roye;[3] but these were soon

[1] It is remarkable that historians are silent on this negotiation. Giannone, lib. xxv. c. 3. Sismondi, Rep. It., tom. viii. ch. 63.

[2] Rym., ix. 710, 716. The Joanna instructions are dated 12th March; the powers to the ambassadors for the German marriage 18th March; those for the Navarre marriage 1st April. Rymer, ix. 865, appears to belong to 1419 (see *ib.* 705 and 701), and not to 1420.

[3] P. de Fen., 476.

retaken, and he lost some ground in the country round Auxerre. In several of these expeditions English detachments served with the Burgundian troops. A Parliament had been called at the end of autumn, and in compliance with the Chancellor's (the Bishop of Durham) exhortation had granted a tenth and a fifteenth, with one-third more of each, and the power of raising money by loan upon the security of those supplies, as well as of the tenth which the clergy had granted in Convocation.[1] But no operations of importance were carried on by the army during the negotiations. Predatory excursions were made; skirmishes took place with the Dauphin's troops. These were, indeed, a great annoyance both to the English and Burgundians; and it became necessary to send out a protecting force as often as any communication was required between one part of the country and another; for the provinces were not divided between the two contending parties; and though the Burgundians chiefly prevailed to the north, and the Armagnacs to the south, of the Loire, yet the latter had many towns and petty districts also intermixed with the country which was principally Burgundian. The remains of the feudal polity increased this subdivision; for not only was France parcelled out among the great feudatories—Princes in their own dominions, though holding under the Crown, as the Dukes of Brittany, Burgundy, and Bourbon, and the Count of Provence—but a number

Oct. 16, 1419.

[1] Rot. Par., iv. 117.

of petty chiefs, taking advantage of the confusion which reigned, and of the weakness of the Government, as well that of the Crown as of the feudatory Princes, had asserted their independence, and carried on hostile operations sometimes against each other, sometimes against the common Sovereign, sometimes against the great feudatories. Thus, a Baron or Knight in the neighbourhood of Calais, Sir James d'Harcourt, for some years made war upon Philip, and afterwards upon Henry, his ally, having originally been a Burgundian vassal as well as partisan, but gone over to the Armagnac party, which gave him a better opportunity of depredation, the main object of all those petty chiefs.[1] The wretched state of France during the transition to the monarchical system, and while it was composed of the fragments of the feudal, cannot be so well illustrated as by considering the events of the civil war, which could only have subsisted so long as it did in a country thus circumstanced.

The Dauphin's cause, however, had been grievously injured by the assassination at Montereau. It was in vain that his adherents endeavoured to disguise from themselves the shock which this had given to all men's feelings, even among their own party. They could no longer hold up their adversaries to

[1] Monstrelet, ch. ccxxxiii. ccxlii. tom. ii. f. 7. The joy of the poor people when the siege of Crotoix gave the neighbourhood a hope of this pest being extirpated is mentioned by the chroniclers (Monstrel., tom. ii. f. 6). The wretch Harcourt made terms, and carried off his great wealth. He was killed soon afterwards in a treacherous attempt upon a castle in Touraine. This happened late in 1423 (*ib.* f. 8).

general hatred as they had done ever since the Orleans murder. All use of that powerful topic was now interdicted. True, they had been freed from the pressure of Duke John's great talents both as a warrior and a statesman; but they had also lost the advantage of having an opponent against whose crimes they could direct the public indignation, while they must be content to range themselves under leaders of tarnished reputation. In such circumstances, although the chiefs of parties and their zealots may not be affected by the feelings which naturally prevail, yet they very soon find that those sentiments sway all persons of calmer judgment, and that in the end they exercise an influence even over partisans themselves. Thus the Dauphin's title to allegiance during Charles's incapacity, though legitimate beyond all question, appeared to be shaken by his own conduct, the only quarter from whence it had anything to fear. It is not, then, to be wondered at if he anxiously employed every means within his power to protect himself from the prevailing obloquy. He diligently circulated his own account of the murder; but finding that the statement which he had at first made gained no credit from its gross improbability, especially after Montague's contradiction, he now took a very different ground of defence, and one indeed that admitted the guilt which had before been denied. He rested his exculpation upon his youth,[1] and upon the control

[1] Having been born 23rd Feb. 1403, he was 16½ years of age at the time of the murder.

under which he was at the time; he denied that he had ever given his consent; he went so far as to affirm that, had it been his own father whom the conspirators were resolved to slay, he must have acted as he did; and to give the best proof of his sincerity in these declarations, he dismissed all the conspirators from his service, sending Jossequin and Madame de Giac to prison at Bourges, though her husband was allowed to remain at large.[1]

It is probable that this appeal produced at the time but little effect in his favour with his own party, and none at all with his adversaries. But the treaty of Troyes afforded him the most powerful support; and although it is quite certain that the authors of that catastrophe never could have ventured upon their wicked course had not the assassination of Philip's father given some colour of right to his vindictive proceedings, as well as laid his adversaries under the weight of general censure, yet that which ever happens in such cases took place here. The minds of men were filled with the more recent event; in their indignation against those who had betrayed the kingdom they forgot for the moment those who had murdered the Duke; and their feelings were wound up to a still higher pitch when they reflected that the design of surrendering the country to its enemies, which originated in the unnatural hatred of a mother, had been executed by the gross perfidy of a wife.

[1] P. de Fen., 475. Speaking of the new defence, this author says, "Mais cela ne peut pas être reçu en excus."

The people, indeed, could not easily separate their own cause from the Dauphin's, or indulge in resentment on their own account, without feeling some pity for him.

That Prince was not slow to avail himself of this favourable turn in his affairs. He, more formally than he had yet done, assumed the title of Regent. He pressed his operations in Languedoc against the Prince of Orange, who, being a Burgundian vassal, had always taken that part; he obtained considerable success, taking Pont St. Esprit, Nismes, Aigues-Mortes, at all of which captures the most revolting cruelties were committed by his troops;[1] he sent an embassy to Scotland for assistance, and obtained from the Regent Albany, with the consent of his Parliament, a body of 7000 men under Buchan his son;[2] he garrisoned the towns in the north, especially Sens, which he had lately taken, Melun, Montereau; and he took care to leave a trustworthy commander in each place exposed to attack. The great quality of judiciously selecting his servants, which in after years so distinguished him as to obtain for him the name *le bien servi*, seems to have thus early displayed itself; and as there is none more rare in a ruler, so is there none more precious in its fruits.

Henry now plainly saw that the advantage which he had gained by the treaty was only to be secured

[1] Mez., i. 1026. Burgundians were cut in pieces and salted (says the historian) at one storming, and a general slaughter took place at another.

[2] Ford., Scotier., xv. 33.

by the sword, and that the cession of France had been made when the war was only begun, instead of following, as is more usual, the termination of hostilities. He therefore lost no time in setting out with his troops and his Burgundian ally, but he was also accompanied by the King and Queen, and by Catherine his bride. The siege of Sens was the first operation which they undertook, and contemporary writers are fond of mentioning the novelty of women lying before a beleaguered town, while they admit that on former occasions the sex had borne arms.[1] It does not, however, appear that the Princesses or the afflicted King came nearer than Villeneuve until the place surrendered, which it speedily did. The siege of Montereau was a much longer operation. After the town had fallen, Henry became impatient at the garrison holding out, and he resorted to an act of the greatest cruelty in the hope of making them surrender. He drew up under the walls of the castle eleven or twelve of the garrison, persons of rank, who had been taken prisoners, and he threatened to execute them if the commandant would not yield. Upon the refusal which he might well expect, he erected a gibbet, and after allowing the wretched men to take leave of their families in the fortress, he caused them all to be hanged, one after another, in face of the garrison, hoping that the sight so deliberately inflicted upon the commandant would melt the heart of one whom he at the same time ac-

June, 1420.

[1] Rym., ix. 911.

cused of the Burgundian's murder.[1] A week after the castle surrendered; and to make the act of cruelty that had been perpetrated still more inexcusable for its inconsistency, the governor was allowed to go free, after offering to clear himself of the charge by a challenge which no one accepted.

To palliate this cold-blooded massacre, it is in vain that we are bid recollect the barbarous system of warfare in those days. If the putting prisoners to death was not uncommon, no more was assassination; and if the mode of carrying on hostilities by slaying those who hold out be vindicated, on the ground that destroying one garrison may prevent others from resisting, and so save the effusion of blood, the answer is obvious, that by the same course of reasoning war might be proved innocent in proportion to its cruelty. But even were the sophistry to be admitted, it affords no palliation whatever for Henry's barbarous execution at Montereau, because his victims were not the governor and his officers, but the prisoners to whom quarter had already been given; and his only motive for putting them one by one to death was, that he vainly speculated upon the spectacle of their fate moving the governor to surrender. As the only conceivable excuse, even in his own eyes, was the success

[1] P. de Fen., 482. Monstrelet, ch. ccxxvi. Hol., iii. 120. Hall, 102.—T. Liv., writing under the patronage of Henry VI., and addressing his work to him from page to page, of course suppresses this passage in Henry V.'s history. So does T. Elm. Juv. des Urs. likewise omits it, as thinking it bore against the Armagnac governor, who was much blamed. See Monstr., *ubi supra*.

of this calculation, his feelings, if he had any, were not to be envied when he found, towards the eighth or ninth execution, that he was committing so many murders to no purpose: yet he persisted until the whole eleven were despatched.

The siege of Melun followed the surrender of Montereau; and it lasted between four and five months, from the great strength of the place, situated on the Seine, protected by works, and defended by Barbason, the best officer in the Dauphin's service. In the course of the operations there were, according to the fashion of the age, many single combats, and in those the chiefs took a part. In one of them two knights had fought for some time with their vizors down, when Barbason declared himself, saying, "I am the Commandant." "And I," said the other, "am the King of England." Some of these rencounters took place in the mines and countermines, where the combatants were seen fighting for a long space by torchlight. Once, a general assault was undertaken to storm the place, contrary to Henry's judgment; and the event confirmed his opinion, for the besiegers were repulsed with considerable loss. He had with him during this siege the Duke of Bedford, who had come from England with a reinforcement of nearly 3000 men, and had been succeeded in the Regency by his brother Gloucester. The unfortunate King of Scots was also there—but, of course, by compulsion—it being deemed possible by his presence to deter the Scottish troops from acting with the Dauphin against their own

sovereign. But they turned a deaf ear to all that he could urge, justly declaring that the commands of one himself a captive were of no force. When, however, the town at length surrendered at discretion, after costing the besiegers a loss of seventeen hundred men,

Nov. 17, 1420. Henry put twenty Scotch prisoners to death on the empty pretence that they had been taken in arms against their king. Four hundred prisoners, French and Scotch, were also carried to Paris and cast into dungeons, where most of them perished of hunger. Several of them were executed on suspicion of having been concerned in the murder at Montereau; and Barbason himself, although clearly proved to be guiltless, was kept nine years in prison, under a very singular article of the capitulation, that those acquitted of the crime for want of proof might be detained.[1] Such of the garrison as were released altogether had to pay severely for it: in the expressive and accurate phraseology of the times, "they were made the subjects of Finance."[2]

From Melun the Sovereigns, with their retinues and their troops, proceeded to Paris, where they made their entry in the greatest pomp, and were received with every outward demonstration of joy. Nor would it be contrary to the known effects of party rage making men forget the public ruin in their eagerness to destroy their adversaries, if it were confessed that for the

[1] Juv. des Urs., 384. P. de Fen., 483. Good., 282. Hol., iii. 123. T. Wals., 452. Monstrelet, ch. ccxxvi. ccxxix.

[2] "Mis à finance." Juv. des Urs., 384 *et passim.*

moment this exultation was sincere. Philip certainly regarded the grand entry as a Burgundian triumph, and while Charles moved around in the procession, being permitted to take the right of Henry, their powerful ally was seen on the opposite side of the way, as if to gratify the people with the recollection of their favourite, and the proof that this solemnity was the consummation of their revenge for his death. But more substantial homage was paid to the Parisian tastes than mere sentimental indulgence. Feasting and shows were given with a lavish hand; fireworks were exhibited by night, and wine flowed by day through channels so ingeniously contrived that all might be regaled by their streams. But the curiosity of the people was mainly directed towards the persons of their new Monarch and his Queen. While Charles and Isabel were lodged in their hotel or palace of St. Pol, Henry and Catherine, with his brothers and his suite, occupied the Louvre, and it was speedily apparent that under what title soever he might be made manifest to the people, the English Monarch was the Sovereign of France. To him all the court was paid, all the homage rendered. Upon him all eyes rested; and by an indiscretion highly blameable, if not with deliberate meaning more reprehensible still, there was a marked difference between the attendance and the treatment of the real and of the nominal King. While the foreign conqueror held a court at once crowded and sumptuous, the native Prince and his Consort were left in a deserted mansion, with few

attendants and a frugal household. The lapse of four centuries must have strangely altered the character of the French as now we know them, if this spectacle, reflecting their own subjugation in the fallen greatness of their Prince, did not mortify and humble that high-spirited people, and did not awaken them to a feeling of remorse for the factious conduct by which their past misfortunes had been caused, and the humiliation of that day brought about.

The Regent was, however, resolved to show that the mere pageants of authority by no means satisfied him. His troops were put into possession of the fortress of Vincennes and of the Bastile, and they were quartered in the villages surrounding the capital. He appointed his brother Clarence Governor of Paris. He made such removals from office, and such appointments to supply the vacancies, as he pleased; and it was remarked, that he displaced not only persons who had owed their appointment to the King, but those also whom the Duke John (the Burgundian) had promoted.[1] He then called together the States General, and obtained a formal confirmation of the treaty of Troyes, with their oath of allegiance to his person. A baseness was added which seemed more voluntary, and therefore more despicable. They asked for an edict from the Crown, which was of course readily issued, denouncing all as traitors who should refuse to acknowledge Henry's title. A mockery was then performed with much solemnity, by assem-

Dec. 1420.

[1] Monstrelet, ch. ccxxxiv.

bling a Council, somewhat anomalous in its composition, for it consisted of the Parliament, the Estates of some towns and districts, and the Royal Councillors; and before this tribunal, presided over by the imbecile King, with the Regent at his side, Philip and his family, supported by the Public Prosecutor, preferred his formal complaint against the Dauphin and his accomplices, demanding a decree that they should do public penance for the murder of Duke John, build and endow churches upon the spot where it was perpetrated, and suffer the punishment due to the offence. This decree was accordingly pronounced; but as the parties against whom it was directed were altogether beyond the jurisdiction of the Court, it would have been wholly nugatory, had not an important addition been made, which was evidently the only purpose of the proceeding. The Dauphin was, with his accomplices, declared to have forfeited all civil rights, and all titles of inheritance; his subjects were absolved from their allegiance, both present and future; all oaths, before or after, taken to him were pronounced null; and all persons so swearing or keeping such oaths, or in any way obeying or assisting him, were declared guilty of treason.[1] A few days after the Dauphin, by the title of Duke of Touraine, was with his accomplices cited to appear before the Court of the Peers of Parliament at the marble table, and on their making default, he was declared to be attainted and outlawed,

Dec. 23, 1420.

[1] Rym., x. 35. Monstrelet, ch. ccxxxii. Note XLVIII.

and the others were condemned to death. Against this sentence he proclaimed that he appealed to his sword; but he at the same time summoned the Parliament and University of Paris to attend him at Poictiers; and thither, it is said, all the independent members of either body very willingly repaired.[1]

Soon after Christmas Henry left Paris with the purpose of carrying his Queen over to England. On his way thither he stopped a month in Normandy, where he found that some enforcement of discipline was required both in the garrisons and among the clergy. In some of the former the troops, giving way to their thirst of plunder, had rashly undertaken a combined expedition to despoil Brie and the Valois, in returning from which they had been attacked and defeated with severe loss, being stripped of all their booty and leaving many of their number on the field. The non-residence of the clergy also called for a remedy. He had some time before issued requisitions to the Prelates, both in Normandy and in England, to enforce residence, and he now strictly enjoined it on all who had left their cures in order to avoid taking the oaths since the peace of Troyes.[2] He made other regulations of a very praiseworthy kind. One was, to prohibit the oppressive practices of persons in authority, as officers, bailiffs, gatekeepers of towns, who were in the habit of exacting gratuities in the nature of toll from all bringing goods to market or carrying them

[1] Mez., i. 1027. P. Daniel, vi. 554. Juv. des Urs., 385, 703.
[2] Rym., x. 84.

between one town and another. He also held a meeting of the Norman States, and they granted for the expense of maintaining his garrisons a sum of above 100,000*l.* of our present money, with which, though inadequate to the occasion, he consented to rest satisfied, considering how severely the duchy had suffered by the war. Henry left his brother Clarence as his Lieutenant both for France and Normandy; he proceeded to England, accompanied by the Queen and Bedford, at the head of a considerable army.

Their reception in London exhibited a joy not much greater, though far more natural, than had attended their arrival at Paris; and after celebrating the Queen's coronation with a magnificence never before displayed on such occasions, they made a progress through the country, visiting the principal towns. While at York Henry made a pilgrimage to the shrine of Bridlington, where he paid his devotions with his wonted fervour; but his time was not devoted, in other places, exclusively to religious acts; he received the petitions of his subjects, heard their complaints, even encouraged them to state their grievances, and took measures for preventing the oppressions or abuses which had, during his absence, crept into the administration of public affairs. He is said to have in an especial manner examined all charges connected with judicial proceedings, showing his accustomed anxiety to check the malversations of judges. Feb. 24, 1421.

While he was thus enjoying the popularity that

ever attends upon conquests, however mischievous, and receiving the far more pure gratification of his people's thanks for some real service, a heavy blow was about to fall upon him—and the heavier for being altogether unexpected. In the midst of the rejoicings during his progress came the tidings that Gloucester had suffered a total defeat in an attack upon the Dauphin's army at Beaugé, in Anjou, and had been himself killed, with the Earl of Kent, the Lord Marshal, many others of his officers, and upwards of three thousand men, beside leaving many prisoners of distinction on the field. The history of this affair has been imperfectly handed down to us, from the conflict of party feelings in contemporary writers, some of whom suppress all mention of it, while others distort the facts probably with exaggeration. But it seems certain that Clarence had undertaken a great operation, and must have had with him the bulk of the English army; for he had advanced almost to the Loire; and after plundering the Counties of Chartres and Maine, and ravaging part of Anjou, he had encamped before Angers, with the Armagnac troops in his rear at Beaugé. Believing that he took them by surprise, when in fact they had deceived him, he made his attack with part only of his force, hastening forward with most of his officers and all his cavalry, but leaving his archers to follow. Movements alike prompt and judicious appear to have been made by the Dauphin's troops, consisting of the united French and Scotch armies, and Clarence was completely de-

April, 1421.

feated after an action the severity of which March 22, 1421.
is attested by the loss on both sides; for of the English, beside more than 2000 left on the field, 200 were made prisoners, and the French had about half as many killed.[1] The reputation of both armies was well sustained in the battle, but a cruel and treacherous act tarnished that of the vanquished party in their flight. They were pressed by the pursuing enemy, but got so far before them that they reached the Duchy without being brought to another action. On their march, however, they had to cross the Sarte, and found the bridge broken; but they persuaded the people of the neighbourhood to repair it so as to afford a passage, pretending to be a French division, and displaying white crosses, the national badge. Thus it was by the assistance of those peasants that they made their escape; and they proved it by the excuse which they urged for their conduct. The gratitude which they showed for so essential a service was putting to death on the spot a hundred of the men who had saved them from the enemy, and carrying the rest away as prisoners, upon the pretence that it was necessary to prevent the alarm being given to the neighbouring towns, which might have cut off their retreat.[2] The Dauphin's troops pursued them into Normandy, and then sat down before Alençon; but though the English were defeated in

[1] T. Wals., 454. T. Elm., 302. P. de Fen., 485. Juv. des Urs., 389. Mez., i. 1028. P. Daniel, v. 556. Hall, 107. Hol., iii. 127 Stowe, 381. Ford., Sc. Cr., xv. 31. Hard., 384. Fab., 588.

[2] Monstrelet, ch. ccxl.

an attempt to raise the siege, the assailants found the garrison too strong, and retired into Anjou.

The glory of the victory at Beaugé belonged principally to Buchan and the Scots, whose martial character had before stood low with the French, but was justly raised by their exemplary courage and steadiness in the battle, and by the talents yet more signal than the courage which their gallant commander displayed. He was immediately rewarded by the Dauphin with the high office of Constable of France. It can hardly be doubted that this disaster must have powerfully impressed upon Henry's mind the justice of those unerring decrees, so often contemned both by his father and by himself, when he came to reflect upon the quarter from whence proceeded the first serious reverse his arms had met. To the Scots he owed his defeat; to the Scots, whose sovereign he had so long, so wrongfully held in captivity, and to the great warrior who commanded them nobly refusing all obedience to an imprisoned monarch. The maltreatment of those whom fortune has placed within our power, always wicked, is often imprudent also; whereas kindness, especially kindness shown to generous natures, never yet afforded just cause of regret. Had Henry listened to the voice of justice, or indeed of common humanity, and restored to liberty his amiable and accomplished captive, instead of lending himself to the intrigues of the perfidious kinsman who usurped his throne, it is very possible that the policy of their country might have kept the Scots from join-

ing in his wars; but it may very safely be affirmed that James's gratitude would have prevented their being found leagued with the enemies of England.[1]

The distress of mind was severe which Henry suffered on receiving the accounts from Beaugé, both because he had lost a brother whom he greatly loved, and because, in the necessarily critical posture of his affairs, any reverse of fortune must be attended with serious risk to his whole schemes. He could hardly have been for weeks at Paris without perceiving that the people were not to be kept in subjection much longer than they continued to be zealous for him as the enemy of their adversaries, and that, he saw, would prove but a feeble tie should his soldiers be unconciliatory or his commanders become unpopular. This was plainly enough perceived when he ordered L'Isle Adam to be arrested at Paris, whether owing to a personal altercation at the siege of Melun, or because he found him plotting against the English interest; the multitude rose, attempting a rescue, and were only put down by calling out the English troops. The popular favourite was cast into prison, and it required all Philip's influence to prevent Henry from inflicting capital punishment on the ablest of his ally's captains.[2] But before this incident occurred there

[1] Note XLIX.

[2] All the accounts agree in representing Henry to have quarrelled with this bad and able man for not speaking in a more respectful manner. His looking a prince in the face was the matter laid to his charge. He said it was the French mode. Henry said it was unknown in England.—Monstrelet, ch. ccxlvii.

had been frequent indications of discontent on the part of the Burgundian chiefs, who felt deeply what sacrifices had been made to the personal feelings of the Duke; and, among others of his vassals, the Prince of Orange had peremptorily refused to swear allegiance after the treaty of Troyes. Philip, he said, not Henry, was his liege lord, and with England he had no concern. Refusing to assist at the proceedings at Paris, he had even withdrawn his troops before the surrender of Melun, and had returned to his own principality on the Rhone. The Normans, both ecclesiastics and barons, were many of them averse to the whole arrangements of Troyes; and of the former a great number absented themselves from their benefices in order to escape taking the new oaths. It became manifest, then, that the defeat at Beaugé happened at a time when it was likely to produce the most disastrous consequences; and it required all Henry's firmness of purpose, and his known promptitude both in taking and in executing his resolutions, to ward off the dangers with which he was menaced.

He made every exertion at home to levy new troops, indeed to form a new army; and in this attempt the late success both of his arms and his policy in France was of great service. He borrowed a considerable sum from his uncle, the Bishop of Winton, who had before lent him 160,000*l.*; of this above a third remained; and he now obtained a further loan of above 10,000*l.*, making in all above 170,000*l.*, for

which that wealthy prelate was his creditor. He then called the Parliament together,[1] and made his Chancellor, the Bishop of Durham, address them upon the state of his affairs. A great disaster was confessed by the tone of the speech, as well as by the topics selected; for the King's fortitude was compared to that of Job, who, when pressed with affliction, had said, "God's will be done." But it was not deemed prudent to ask for any supplies, although they were more wanted than ever. The only assistance which he obtained was a power bestowed upon the Council to give all who lent or might lend the King any money, security upon the duties already granted, and to continue the acts granting them until the next Parliament. A special act was also passed confirming the security given by Henry to the Bishop over the Customs of Southampton, and, if these should fail, over those of London and other ports, for the sums which he had advanced, with the further provision that if these should not be repaid within twelve months after the King's decease, the Bishop might retain as his absolute property the Crown which he held in pledge. Whether or not any other persons lent their money we have no information: the clergy, however, granted a tenth. We are left very much in the dark regarding the means which he had of providing for so large an expedition as he is known to have fitted out: 28,000 men were raised, and it is said had eight months'

May 2, 1421.

[1] Rot. Par., iv. 129 and 132. Note L.

wages in advance,[1] 4000 being cavalry and the rest archers. Henry at the same time ordered considerable levies of men to be made in Normandy, and he had the address to conclude a treaty with the King of Scots, engaging to liberate him three months after his return, on condition that he married Clarence's daughter, the King's niece, and consented to take a partial release of his ransom as her portion. But the main object of this arrangement was to obtain James's more active assistance in the approaching campaign. He had during the last only been present, and his presence had failed to make the Dauphin's Scotch auxiliaries leave him. He was now to command a division, and was to be accompanied by Douglas with 200 men, an assistance, however, for which that mean and mercenary chief stipulated the receiving of a pension.

June 10, 1421.

The formidable army which Henry thus collected gave confidence upon its arrival in France to his commanders and troops as well as to his adherents at Paris, where great alarm had been occasioned by the Dauphin's advancing and sitting down before Chartres. Henry soon obliged him to raise the siege and retire towards the Loire. Supported by considerable successes which Philip gained at the same time, and leaving the King of Scots to attack Dreux, which surrendered after a short siege, he marched into the Orleans country, and took Beaugency and several places of less importance.

Aug. 20, 1421.

[1] Monstrelet, ch. ccxliii.

He then followed the Dauphin into the Berri; but finding that he could not bring him to a general action against his superior force, and having suffered severely for want of provisions, as well as from sickness, which destroyed some thousands of his army, he returned from Bourges towards the capital.[1] On this march, seeing that he was observed by a party of the Dauphin's troops, he pursued them. They took refuge in the castle of Rougemont, which he attacked and easily captured; but for some reason, contemporary writers say because one Englishman had been killed in the assault, he caused the Armagnacs to be drowned in the neighbouring river.

About the end of autumn he formed the siege of Meaux, the last operation of any moment in which he was engaged. The strength of the place, situated on the Maine, its castle built on the rock, the tried valour of the Bastard of Xaurus, its governor, and the numbers of the garrison, amounting to 1000, protracted the siege during seven months, in the course of which an attack on the citadel was made and defeated with considerable loss. At the surrender, the whole effects of whatever kind were given up to the besiegers, and Henry ordered the governor to be beheaded and hanged upon the same tree on which he had executed many of the Burgundian party. It is not so easy to perceive why

May 10, 1422.

[1] The Dauphin's remaining so long at Bourges in Berri got him the name of Roi de Bourges et de Berri.

he also put to death the trumpeter who had sounded the defiance from the walls.[1]

During this siege two incidents occurred, of which one was memorable enough in its consequences, though the other only attracts notice by its singularity. Henry received the tidings, to him most exhilarating, that the Queen had been delivered at Windsor of a son, the unfortunate heir to his kingdom, and destined to lose both his hereditary and his conquered crown. He is said to have mingled his rejoicing over this event with a mournful foreboding—"Henry of Monmouth will reign but a little space and gain much; Henry of Windsor will reign long and lose all." But a harder fate befel his kinsman the Earl of Cornwall, whose son, a gallant youth, was struck dead by a bullet while standing at his father's side. The wretched man fell into a passion of grief, as might naturally be expected; but the resolution which it suddenly inspired was not so easily to be comprehended. He who had without compunction seen and helped to cause so many deaths in the wars, and who well knew from the first the gross injustice of the invasion, having his eyes as it were opened by his own misfortune to the nature of his past and present pursuits, now beat his breast as, in an agony of remorse, he exclaimed that Normandy had been the object of the expedition, but that to strip

Dec. 6, 1421.

[1] Monstrelet, ch. cclxi. T. Wals., 456. T. Elm., 328. P. Daniel, vi. 560.

the Dauphin of his rightful crown was without any excuse; and made a solemn vow never again to bear arms against any Christian man; wherewithal he left the army and returned no more.[1]

The surrender of Meaux was followed by that of many other less important places in the neighbouring districts; and it is commonly said that all France north of the Loire, except Maine, Anjou, and a few castles in Picardy, was now under the dominion of Henry.[2] But this is an incorrect statement; for a part of the Valois in the Isle de France was still subject to the Armagnacs, as was the country of Guise; and in Picardy, Harcourt was so far from being reduced that he refused even to treat with the ambassadors sent to him[3] after the fall of Meaux, nor was he overcome till the next year. Maine and Anjou, too, form large deductions from the north of France, and Brittany was a neighbouring state retained in no subjection at all, and only prevented by truce from engaging in hostilities. But, indeed, how little power the allies had over the country nominally subject to them, may be perceived from the unquestionable fact that during the siege of Meaux the Dauphin's troops marched from Bourges to St. Dizier, in Champagne, on the one hand, and to Bernay on the other, a distance in either case of above 160 miles, and met with little or no resistance, occupying the former place for some time, and doing

[1] P. de Fen., 491. [2] Ling., iii. 378.
[3] Monstrelet, ch. cclxiv.

great damage to the country in both incursions. Nor is it material whether each of those expeditions came from Bourges or not; for if either was sent from some strongholds of the Armagnacs farther to the north, this would equally show how little sway Henry and Philip had over the country beyond the places actually occupied by their forces. The discontents, too, must not be forgotten which frequently broke out in Paris, and made it necessary always to keep a strong English garrison in the Bastile. They were in part occasioned by a tax which Henry laid on, apparently resembling the tenths and fifteenths in his own country, for the purpose of restoring the coin to its just standard. All persons, too, were ordered to send in their plate, and though promised an equivalent in the new coinage, the grossest frauds were committed by the revenue officers, who in many cases took the plate and repaid nothing like its value.[1] The restoration of the coinage was no doubt a great benefit to the lords whose tenants (*censitaires*) had been paying their rents in the depreciated currency; but the tradesfolk, and all who had personal property, paid severely for it, while the commoner people neither gained nor lost by the measure, nor by the means taken to accomplish it. The latter class, indeed, were the part of the nation the least disaffected towards the English government, which found little favour with the upper and middle orders of the Bur-

[1] P. de Fen., 495. Mez., i. 1029. The account given of the debasement is dreadful: the crown of 18 sous went for 9 francs, or 180 sols.

gundian party after the first impression had worn away of thankfulness that their adversaries had been put down. If his own observation had not convinced Henry of this truth, an incident which occurred soon after the fall of Meaux was likely to do so. A plot against his life was hatched at Paris, and only discovered and its contrivers punished through a mere accident. But he seems to have been fully aware in how critical a position he stood, for he not only hastened to conclude a treaty with the Count de Foix, a baron of much in influence the south, conferring upon him the government of Languedoc if he should succeed in conquering it from the Dauphin, but he sent ambassadors to the Emperor Sigismund and the King of Portugal to solicit the aid of troops from those princes. The Queen also had brought over some reinforcements; and indeed it is none of the least proofs of his real difficulties having been imperfectly described by historians that we find him able to accomplish so little during the year which elapsed after his return from England. He had landed with the largest army ever disembarked in France, and he had in his Norman and other garrisons whatever troops remained of his former expeditions; yet he fought no battle, he carried on but one siege of any importance, and he lost only 4000 men by sickness, when at the end of little more than a year we find him unable to prosecute his operations for want of men. This consumption of his army is as little explained by the historians of the age as the resources

which enabled him to assemble it. The probability is that he derived his supplies from the extortions committed in the conquered countries, and owed his losses to the constant attacks of the inhabitants, as well as of the Armagnac detachments.[1]

The principal efforts of the Dauphin of late had been made against the dominions of Philip, from whom he had taken the town of La Charité on the Loire; and now assembling an army of 20,000 men, he laid siege to Côsne, a more important place. The garrison being pressed agreed to surrender if not relieved by a certain day, before which it was settled between the Dauphin and Philip that they should fight a pitched battle, and so decide the fate of the town. With a view to this engagement Henry was asked for his assistance, and at once declared that he should himself march to the spot with his whole army. Bedford was sent before in the command; the King was to follow and overtake him. Philip having, beside the English forces, obtained reinforcements from his own Flemish States and from those towns in Picardy which still owned the Burgundian authority, appeared at the head of so powerful an army that the Dauphin pursued his wonted cautious policy of risking nothing, but trusting to time and the general support of the country; and he withdrew from Côsne, retiring into Berri.

July, 1422.

Aug. 6, 1422.

But Henry had not been able to join the assembled forces; an illness which he brought back

[1] Note L.

from his expedition to the Loire had increased upon him rapidly. Unwilling to believe that it was serious, he resolved to follow the army, and taking leave of the King and Queen, as well as of his own court, he arrived at Melun, where he became so much worse that he had himself placed in a litter, in order to reach Côsne by the day appointed for the battle. But there was no struggling with the malady which had stricken him; and unable to proceed, he was carried back to Vincennes. Bedford, hearing of his illness, immediately quitted the army and repaired to his residence; he found him worse than the accounts that had alarmed him represented. It soon appeared manifest that the disease was mortal, and none sooner than the royal sufferer became aware of the truth. He called to his bedside Warwick, Robesart, and one or two others, as well as his brother, and addressed them in few but touching words. He disguised not from them his sorrow at being called away by the supreme Disposer of events in such a crisis, but solemnly charged them to stand by his infant son, and defend his realm both inherited and acquired. To Bedford he gave the Regency of France in case Philip should, as he plainly expected, refuse it; to Gloster he gave that of England, to Beaufort the Bishop the guardianship of his child. The utmost cordiality with Philip he strongly recommended to them all, and especially to Gloster; he likewise strictly enjoined them to retain Orleans, d'Eu, and the other prisoners of Agincourt, at all events during

his son's minority. But notwithstanding a general expression of his confidence in the "promising state of his affairs," one part of his dying commands betrayed in a remarkable manner his distrust of the ultimate result:—he strictly charged his brother on no account whatever to make any treaty with the Dauphin by which the Duchy of Normandy should be restored to the French crown.

When the lords had retired from this scene so deeply affecting, he summoned his physicians, and demanded how long they considered he had to live. Evading the question, they said the issue was in the hands of God; but they forgot with whom they had to deal. He expressed himself dissatisfied with the answer and repeated the question, desiring that the truth might be told him at once. They conferred together for a few moments, and then, one of their number falling upon his knees, bade him think of his soul, for without an interposition of Divine Providence he could not survive two hours. He then sent for his confessor and chaplains, whom he desired to sing the seven penitential psalms. When they came to the verse in one of these which makes mention of Jerusalem, he declared that it was always his intention, after completing the conquest of France and restoring peace, to undertake a crusade for the recovery of the Holy City, had it pleased the Almighty to spare his life; thus joining in the grossest of all the follies by which those times were distinguished, nay, a delusion which had even then become in a

manner obsolete, that the spot was sacred in which, according to our religion, the Saviour had been put to death, and that his sepulchre was the place in which, according to the same religion, his body had not been buried.—The service which Henry had ordered was closed, and soon after he expired, amidst the loud but sincere lamentations of his attendants.[1] Aug. 31, 1422.

The disease which carried him off is variously represented by contemporary writers and those who have followed them. One says it was a pleurisy, and cites P. Basset, his chamberlain, as the authority.[2] Another calls it St. Anthony's fire.[3] Several accounts agree in representing it as a fistula; and one zealous Frenchman conceives it to have been a judgment of Heaven because Henry had dared to *sit* on the throne of France;[4] while another, a zealous Catholic, says he died of the bowel complaint termed St. Fiacre, and holds his death to have been a visitation on him for intending to remove the relics of that saint.[5]

The faithful record of any one's life is the best description that can be presented of his character; yet some ancient and nearly all modern authors have been used to give a summary of the merits and demerits of those whose history they write, as if they

[1] Monstrelet, ch. cclxvi. Juv. des Urs., 395. P. de Fen., 493. T. Wals., 457. T. Liv., 95. T. Elm., 333. Monstrelet mistakes Exeter for Gloster as Regent.

[2] Hall, 113.

[3] Monstrelet, ch. cclxvi.

[4] Mezer., i. 1030.

[5] Juv. des Urs., 394.

distrusted either the descriptive powers of their own narrative, or the capacity of their readers to draw from it a just conclusion. Regarded as affording a condensed view of the subject, this practice has its advantages, although there are few eminent persons of any age upon whom it would be less difficult from the facts to pronounce a correct judgment than Henry V.

That he possessed in an extraordinary degree all the qualities which constitute a great commander and a skilful ruler cannot for a moment be contested. It is equally certain that he had the firmness of mind, the steadiness of purpose, not always found united to great civil and military capacity, but without which no talents can, unless by some mere accident, be of any avail. No less undeniable is it that he devoted all those rare endowments, with all that determined spirit, throughout his whole reign to the gratification of his ambition, and applied the whole energies of his nature, with very few and very short intervals, exclusively to the pursuit, first of plunder, then of conquest; bent only upon plunder when both his invasions were undertaken—upon conquest when unforeseen events gave him hopes of a greater success. In pursuing these objects he wholly disregarded every principle of justice, violated wantonly all feelings of humanity, sacrificed the interests of his own country, shed the blood of his subjects as well as of his neighbours, ravaged with fire and sword the fields of a people who had never given him the least offence, and, availing himself of their domestic quarrels and

of their King's insanity, seized upon his crown, to which he had not the shadow of a title except what mere force bestowed. The only consideration that can be urged to palliate conduct which nothing can excuse, is the barbarous spirit of the times—the habits in which men's minds were trained to confound all the ideas of right and wrong—the dreadful familiarity with rapine and slaughter which they had come to regard as the natural condition of society. The advance towards refinement which alone they professed to have made and alone valued, the usages of chivalry, sanctioned, though somewhat capriciously, many acts of gross perfidy, and made a contempt of death the substitute for all virtues, the excuse for all crimes. That he flourished in such an age must be admitted in extenuation of Henry's guilt; this, together with the gratification of national prejudices afforded by his reign, also accounts for the high estimation in which his conduct and character has ever been held by the English people.

In enumerating his merits it is not enough that we make mention of his great capacity for affairs both in peace and in war. He was a person of brilliant accomplishments, of knowledge somewhat in advance of his age, and fond of encouraging learned men; for Waldensis, the most voluminous writer of the times, and skilled in most of the sciences then cultivated, was his confessor, and Lyndewode, the famous canonist, his ambassador; he made his friend Rocleve, an astronomer of note, Bishop of St. David's, and projected the foundation of a college at Oxford

for teaching the seven sciences. Educated at that illustrious seminary, he was long remembered as a student, and his chamber over the gate of his college was shown to all who went thither.[1] He had the far higher virtues of patience, fortitude, temperance, in an extraordinary degree; his attention to all religious duties was constant and it was exemplary, nor could it be accused of ostentation, except in so far as it was made by so politic a prince the means of securing support both of the church and the laity; and in regarding this part of his character we must again bear in mind the ignorance and the prejudices of his age. He suffered his stepmother, Joan, to be harshly treated, and her supposed accomplice to be imprisoned for life, because they were thought to be guilty of an offence which we now know and believe to be impossible—the seeking to shorten his life by incantations. But witchcraft was, four centuries ago, as much considered to be a crime as treason; and no one would have been heard to question the possibility of assailing the King by sorcery, more than if he doubted that the offence could be committed of compassing and imagining his death by poison.

Henry's demeanour answered at once to the gravity of his virtues and the elegance of his genius, for he was both dignified and graceful. More thoughtful than eloquent, his words, if few, yet were

[1] J. Ross, 207. (Rous): "Cujus camera supra portam in introitû dicti collegii." Rous says he had seen Henry's deed of foundation at Oxford.

choice, and never failed deeply to impress those whom he addressed. Excelling in all martial qualities, he yet was content to possess them, and sought not to exhibit them, but reserved his exertions for worthier occasions than the vain gratification of display. His temper, however, was high and even haughty; entire self-possession came to him from the consciousness of desert and of power, as entire self-confidence was not unnaturally begotten by a course of success in circumstances that might well have engendered despair. To his own subjects his lofty manner was probably tempered by more of kindness, and his nature, though generally reserved, was yet by intervals frank. But with the French he only showed the rigour of the commander, the caution of the politician, the sternness of the conqueror; and if a reflection on the severe justice which he caused to be administered without any, the least, respect of persons or of ranks, found favour for him in the eyes of the people, it is certain that there was nothing in either his position or his demeanour which ever won their hearts. Except among the chiefs of the Burgundian party he had no real friends; and while all dreaded and most admired him, by none was he beloved.

It would be unjust if, in forming an estimate of Henry's merits, we were to avoid a comparison with those of his immediate predecessors in the same field of exertion; and when we take either his great grandfather, Edward III., or his great uncle the Black Prince, with whom to compare him, it must

be confessed that we subject him to a trial sufficiently severe. Over both he may be allowed the superiority whether as regards his civil or his military capacity. His skill in turning to account the civil dissensions of France was exercised in more difficult circumstances, and was attended with more important results. His domestic administration was more excellent than Edward's, and betokened a disposition to check malversation and to reform abuses, which no prince since the days of Alfred had ever shown. The countenance which he gave to persecution, the worst part of his conduct at home, may be admitted to have had some palliation, though no excuse, from the novelty of the Reformed doctrines, respecting which the Edwards had never been called to act; and those proceedings abroad which most call for reprobation, his forming unworthy associations to further his schemes, his perfidy while prosecuting these intrigues, his cruelty in the conduct of the war, are all not merely matched but exceeded in the history of him whom the concurring voices of his countrymen through all ages have commemorated as the flower of English chivalry. If Henry endeavoured to league himself with John of Burgundy, the most wicked ruler of his day, the Black Prince actually patronised and enthroned Peter the Cruel, a more wicked ruler in a more profligate age. If Henry joined with the unscrupulous mob of Paris and the bloodthirsty gangs of feudal adventurers in the north, the Black Prince was in alliance with those yet more

detestable gangs whom his wars in the south had mainly formed—the Free Companies, the army of mercenary bandits, the scum of all nations, but more of English and of Gascons than of all others, troops whose vocation was pillage and slaughter, whose approach was the destruction of property and life, whose attachment depended on their pay alone, and who ravaged a large portion of Europe only in quest of booty. From the contamination of such an alliance as this, Henry at least was pure. The Black Prince, after leading those bands to battle, and by their aid gaining one of his great victories, could only shake himself free from his vile associates by turning them loose into the territory of his neighbours. Finally, if Henry made many severe examples upon the surrender of towns to his arms, some of those wholly without excuse, he cannot be charged with so enormous a crime as the Black Prince perpetrated at Limoges, where, suffering under the disease that was carrying him to the tomb, he sat in his litter, and unmoved, except with satisfaction, witnessed the inhuman massacre of above 3000 persons, women and children as well as men, in cold blood, after spurning them from his feet, at which they had cast themselves to implore for mercy.[1]

The reign which we have been describing in detail was not distinguished by any important changes in the constitution of England. The framework of our

[1] Note LI.

mixed government had been constructed under the first and third Edwards; such as its general principles were nearly five centuries ago, such they still remain, and the improvements introduced during that long course of years have been in the manner of administering it. But nothing can be more important than improvements of this description; for it is undeniably true that, as regards the practical effects of any constitution, more depends upon the mode of working it, and even the men employed, than upon the structure of the machine.[1] That structure is chiefly valuable in so far as it may present obstacles to the evil-disposed, who would abuse its powers, and may help those inclined well to exercise them.

But although no steps were made towards the completion of our political system, so important as distinguished the reigns of the Edwards, much was nevertheless gained for it under Henry. The infirmity of his title prevented him from ever venturing to slight the authority of Parliament in granting supplies, in general legislation, and to a certain degree in the administration of affairs. Whatever money was raised by taxes he owed entirely to their votes; and as the intoxication into which his victories threw them, along with the country, never tempted him to encroach upon their functions, so he showed his sense of their power by letting their chagrin at his only disaster pass away before he asked for any aid to re-establish his fortunes.[2] An important change in the financial system was intro-

[1] Pol. Phil., Pt. iii. ch. xxvi. [2] Note L.

duced in his time, and it showed in a striking manner the ascendant of the Parliament, for it was entirely of Parliamentary creation — I mean the practice of pledging, as a security for loans made to the Crown, duties already granted, the unhappy effects of which in after times have already been noted. The changes which he made in the currency were of two kinds— one highly reprehensible, the other most salutary; the former effected by the prerogative, the latter by statute. He raised the denomination a fifth, coining the pound of silver into thirty shillings, Edward I. and Edward III. having raised it from twenty to twenty-five. No such violent operation was ever performed except under the despotic and unprincipled reign of Henry VIII.; for by this Act, whoever owed a hundred and twenty pounds was enabled to extinguish his debt by paying a hundred. On the other hand, with his wonted vigour of action, he called in the clipped and debased coin, and issued a new currency; and though this for the moment produced somewhat of the inconvenience which had attended the former operation, except that it fell upon the debtor instead of the creditor, its benefits on the whole were great and lasting. Although the raising of the denomination was effected without application to Parliament, it was no stretch of the prerogative. The Crown has this power over the coin at the present day, though practically it is very unlikely to be exercised. It may be doubted whether the calling in of the current coin and the new coinage could not now be effected without the

sanction of Parliament, supposing no expense to be incurred. Henry adopted the more constitutional course of preferring a legislative proceeding. Indeed he appears in some sort to have acknowledged the Parliament's right to legislate upon this subject; for he obtained an Act empowering the King in Council to make regulations touching the coin, which should have force until the beginning of the next session.[1]

But the most important event for the constitution—at least the most remarkable homage to its principles, and which affords the most striking proof that these were both understood and acknowledged—was the solemn pledge given by the Crown to the Commons, in answer to their prayer for a recognition of "the right at all times possessed by them" (such is their language) of not being bound by any laws to which their previous assent had not been fully given. The answer returned, though it be subject to observation, plainly enough admits the right of the Commons, and pledges the Crown that no Act shall ever pass without their authority.[2] It must be remembered that, under the Edwards, not only had this most important principle never been admitted: it had been constantly violated. There had however been, at the beginning of Henry IV.'s reign, a recognition of it nearly as full as that made by his son.[3]

[1] Rot. Par. iv. 35. This Statute does not appear in the Statutes of the Realm published by the Commissioners. The 2 Hen. V. St. 2, c. 4, relates to the coin; but is wholly different from the one cited in the text from Rot. Par. See Note XLV.

[2] Rot. Par. iv. 22. (2 Hen. V.)

[3] Notes LII., LIII.

It was another homage to the supremacy of Parliament, that Henry laid before them his treaties with foreign States, and called for their sanction to the compacts which he had made by virtue of a prerogative to this day vested in the Crown, and constantly exercised. Not only did he thus act in his great treaty for uniting the monarchies of France and England under one crown (here it may be supposed that requiring a Parliamentary recognition was a matter of course), but his alliance with Sigismund belonged to a different class altogether, and yet the treaty, offensive and defensive, with that Prince was submitted to the approval of Parliament. This practice prevailed in foreign countries which had States to assist in the Government; and Henry may possibly have adopted it in imitation of their proceedings, as well as in token of his good will towards his own Parliament.

It is hardly correct to regard the legislative promises which are made at the beginning of a reign, and before the Sovereign's power is fully consolidated, or his scheme of policy matured, as illustrating his character, or perhaps as in all instances proceeding from himself. In the times, especially, of which we speak, the Parliament generally availed themselves of the demise of the Crown to obtain some favourite measure. We ought hardly then to regard as Henry's acts two important laws passed immediately after his accession: the one requiring that knights of the shire and members for cities and boroughs should be resident inhabitants, and that only resident freeholders

should vote in counties;[1] the other restraining the power of royal purveyors by attaching a severe penalty to the exacting for the appointed prices more grain than the standard quantity of eight bushels a quarter.[2] The former Act was in all probability inoperative, unless in so far as it may have prevented the abuse of absent freeholders voting; for in the Acts of the next reign, confining the elective franchise to forty-shilling freeholders, residence is still more especially required both of the knights and the electors, and yet we know that it never has been considered as within the exigency of those important statutes.[3] The Act restraining the malversation of purveyors was of great moment; for these had been used to require much more than the quantities specified to be furnished at given prices; consequently purveyance, always oppressive, had become intolerable.

But though the merit of these reforms in the State may not have been Henry's, certainly to him, next after the Lollards, we must ascribe whatever was done to correct abuses in the Church. Two classes of these had, probably in consequence of the progress made by the new doctrines, early forced themselves upon his attention; and the desire which he showed to repress them deserves the greater commendation because his whole policy, like that of his father (at least ever after his usurpation), was framed upon the plan of gaining the clergy. The non-residence of incumbents

[1] 1 Hen. V. c. 1. [2] 1 Hen. V. c. 2.
[3] 8 Hen. VI. c. 7; 10 Hen. VI. c. 2.

was one ground of complaint; the dissolute lives of the friars, especially the Benedictines, was another. These, and almost all other abuses in the Romish Church of which the Lollards complained, had been very fully and indeed unsparingly set forth in a petition to the King from the University of Oxford, and made the ground of a prayer that, "as Providence had raised him up like another Constantine, Marcius, or Theodosius, so he would employ his power for effecting a reformation of the evils detailed." The papal encroachments, too, had become intolerable, setting at defiance the laws made under Edward III. and Richard II. to restrain them. These matters were made the subject of urgent remonstrance by Henry's representatives at the Council of Constance, as soon as Martin V. was chosen; and a Concordat was made by him in which he agreed to remove many grounds of complaint. Cardinals were only to be appointed with consent of a majority in the conclave; diocesans were to inquire into abuses in the sale of indulgences, but chiefly of such indulgences as enabled parties to transfer their payments to other churches than their own; a check was given to the appropriation of benefices, and provision made for the performance of the services by vicars; finally, no new dispensations for plurality were to be granted by the Holy See, and none already granted for non-residence were to be valid.[1] It is, however, certain, that

[1] L'Enfant, Con. Const. ii. 483 (App.). Rym. ix. 730. Henry sent a mission in 1419 to Martin on this subject.

although it suited Martin's plans to gain over the English at the Council by such compliances, yet as soon as it was dissolved and he returned to Italy, the whole was forgotten, and the abuses went on much as before. He actually conferred the archbishopric of Canterbury on his nephew, a boy of fourteen, who also held by his uncle's appointment fourteen benefices in England; he induced priests to vacate their livings by providing them with secular employments; and he excluded the English from all dignities at the Court of Rome.[1] Henry does not appear to have followed up his proceedings which had obtained the Concordat by any remonstrances on the violation of its articles, and he showed so much favour to the Pope's nephew as to allow his holding the preferment bestowed on him. But his general course was to refuse all the formal concessions which the See of Rome required, and yet to permit its encroachments in a temporizing manner. Thus, when Martin asked him by his Nuncio "to explain, repeal, or modify" the Statutes of Provisors, complaining of them as a very great grievance, Henry made answer, that they had been passed neither by himself nor by his father, but by former kings, that he was bound by his coronation oath to execute them, and that without the consent of his three Estates in Parliament he could neither explain, nor repeal, nor modify them.[2] The Pope, however, went on appointing bishops; but as he named those elected by the Chapters

[1] L'Enfant, ii. 227. [2] Rym. ix. 806.

under the King's licence (*congé d'élire*), Henry admitted the prelates so appointed to the temporalities upon their fully renouncing all expressions which the Bulls might contain in any way prejudicial to the rights of the Crown, and submitting themselves to his pleasure.[1] In Normandy he appears to have excluded all interference with a somewhat higher hand.[2]

It does not appear that in England Henry made any vigorous exertions against non-residence more than against pluralities. In Normandy he issued several times his rescripts to the Prelates and Chapters, charging them to enforce the law of the Church requiring residence. Upon one occasion, after the Treaty of Troyes, his commands were chiefly directed to prevent clerks from absenting themselves for the purpose of evading the new oath of allegiance; but on other occasions the simple duty of residence was alone contemplated.[3]

The state of the religious houses appears to have seriously drawn his attention to the odium, if not the peril, which their irregular lives brought upon the Church. The Benedictines, commonly called Black Friars, were those whose immoralities had given the greatest scandal, and they formed by far the most numerous body of the regular clergy. But to reform such abuses requires rather the enforcement of discipline by lawful superiors than the aid of

[1] Rym. ix. 809. 866. 808. [2] Rym. ix. 667.
[3] Note LIV.

new laws; and, aware of this, Henry appears to have pursued a judicious course. Immediately after the Parliament called on his last return from
May, 1421. France, he repaired, with a very few attendants, to an assembly of the order held at Winchester, where there were present 60 priors and abbots, and 300 monks; and he made a strong remonstrance to them against the neglect of piety and of moral duty which distinguished their monasteries. He then exhibited articles of reformation, which the Prelates he had consulted entirely approved, and he besought them to adopt these as obligatory for the rules of their conduct. Time, however, was given for discussion
1422. and deliberation; nor was it till the next year that they were fully received at a provincial Chapter held for the purpose. The principal provisions were—restraining the extravagance of abbots by a kind of sumptuary laws; requiring their attendance in the convent on the feast days, instead of passing their lives luxuriously in their manorial residences; preventing their alienation of the conventual moveable property; making the monks be paid in provisions, and not in money; excluding the company of women in their monasteries, except mothers and sisters, and those only to be received in the public parlour; and forbidding all resort to the towns on carnival occasions. Nothing can more plainly show the kind of lives which the heads of religious houses then led, than the tenor of these restraining rules; and the feeble pre-

cautions which they provide against abuses prove the height to which the evil had grown, as well as the powerful influence of the parties concerned. Absence from the convent on all but the festivals of the Church was still allowed, and an abbot might still be attended by a suite of as many as twenty horsemen.

HENRY THE SIXTH.

THE Prince whose long and unhappy reign now claims our attention was not quite nine months old when the death of his father left him heir to the Crown of England in possession, and that of France as soon as Charles VI.'s nominal sovereignty should cease with his life. This event happened within a few weeks of Henry's accession, and, unimportant as was the station which Charles had long filled, his death was attended with serious consequences. For the Dauphin causing himself to be proclaimed was crowned at Poictiers,[1] as Rheims, the place allotted to that solemnity by the custom of the realm, was in the hands of the English; and the Royal authority being no longer divided as it had been during the fatal dissensions of the family, the national feeling, directed to one Sovereign, heightened the popular favour which attended his arms, and increased sensibly the numbers of his adherents.

Oct. 21, 1422.

Meanwhile the infant Henry was proclaimed King of France immediately after Charles's obsequies had been performed with the pomp which so often forms

[1] Mez. ii. 2. P. Daniel, vii. 10. Monstrelet, tom. ii. fol. 2. Lingard says Chartres erroneously.

a contrast at once mournful and ridiculous to the life of its subject.[1] The Duke of Bedford having, in compliance with his brother's dying request, offered the Regency to the Burgundian, assumed it himself on that Prince's refusal, and had now a full opportunity of reflecting upon the difficulties of his situation, as well as the great diversity in point of security between the two Crowns which had devolved upon his infant nephew. The vigorous administration of Henry IV. had consolidated his power, built though it was upon a weak foundation; and the crimes of his usurpation had long been cast into the shade by the dazzling successes of his son. Even the defects in the Lancastrian title, by precluding any attempt to rule without the concurrence of Parliament, had proved so far favourable to the Royal authority that all dissensions between that body and the Crown had ceased; and as considerable supplies had been easily, if not cheerfully, afforded to meet the expenses of the war, as could reasonably be expected from the scanty resources of the country; so that the English dominions were placed in a state of peace and security which left nothing to be desired, at least by their rulers. It was far otherwise with the kingdom of France. Here the Regent found that he had to complete the conquest which his brother had only begun; and though the provinces north of the Loire, including the capital, were in his hands, together with the authority derived from holding the government under the

[1] P. Daniel, vi. 567. Monstrel., cclxviii.

Treaty of Troyes and decision of the States, the rights of Charles VII. were acknowledged by the greater part of the country south of that river; his title, unquestioned by all but the Burgundians and the English, gave him both popular support and actual strength; and his troops, though rather inured to defeat than encouraged by success, were so numerous and so well appointed as to keep the field wherever the invading army endeavoured to assail them or to extend its conquests.

In these difficult circumstances the first measure of Bedford, after assuming the Regency of France, was to obtain reinforcements from England; and with this view he found it necessary to settle the government of that kingdom. As he had formerly been appointed Regent, or Guardian of the Realm, during his brother's absence, it was natural to expect that he, or, until his return home, his brother Gloster, should be allowed to fill that high office during the minority of the new King. We have no record of any steps taken to gain this object; but we may conclude that the chief Lords and Prelates were approached by his emissaries in order to obtain their assent. We only know for certain that as soon as the late King's death was known, a number of the great Lords took upon themselves to issue a Commission in the infant Prince's name and under the Great Seal, authorizing the Judges, Sheriffs, and other officers, to perform their several duties, summoning a Parliament to meet in two months, and empowering Gloster to hold it as Royal Commissioner.

The Parliament accordingly met at Westminster, and the Primate addressed them in a speech or sermon, taking for his text the verse "The princes of the nations are assembled with God." After alluding shortly to the late King's great deeds, and at somewhat more length to the number six of the young King's title, as possessing all perfections, among others because God created the world in six days, he declared the purpose of the meeting to be, providing for the peace and defence of the realm and the care of the Sovereign's person; and he recommended the advice of Jethro to Moses as worthy of being followed—to choose from all the people able men, fearing God, men of truth, hating covetousness (Exod. xviii.).[1] The first proceeding of the Parliament was to ratify and confirm the Commissions which had been issued, among others the irregular summons of the body itself, on the ground of those proceedings having been absolutely necessary for securing the existence of the Government and the safety of the kingdom.[2] But when Gloster claimed the office of Regent or Guardian, both as being next heir to the Crown within the realm, and as having been named by the late King on his death bed, the Lords, after deliberating upon the matter, and consulting men learned in the law, probably the Judges, declared that no person could have any such right, either by inheritance as heir presumptive, or by appointment of the deceased Sovereign, whose power ceased with his

Nov. 8, 1422.

[1] Rot. Par., iv. 169. [2] Note LV.

life, and that all claims of this kind were to be utterly rejected as derogatory to the rights of the Estates of the realm. With this opinion of the Lords the Commons agreed, and a statute was made [1] naming Bedford Protector, and in his absence Gloster, with the avowed intention of confining his powers to those ministerial acts which the defence of the kingdom and preservation of the public peace required, but denying all pretensions to share in the Royal authority. A council of fifteen was appointed, consisting of peers, prelates, and commoners, in equal numbers, with Exeter, the late King's uncle, nominally to assist the Protector, but in reality to controul him; for without their concurrence no act of his was to be valid. Beaufort, Bishop of Winchester, with Exeter, was to have the care of the young King's person, in consequence of his father's appointment; for here the scruples of the lawyers appear to have overcome the Parliament's regard to constitutional rights, and the deceased monarch's will was suffered to govern upon a most important point, rather than allow the absurdity of the infant Prince's passing an act to declare his own incapacity.

Bedford, now acting as Regent of France by the title derived under the Treaty of Troyes, and acknowledged as well in the capital as in all the provinces north of the Loire, had none of the difficulties

[1] Note LV. This Statute appointing the Council does not appear on the Statute Roll, nor does the Act ratifying the Commissions. But they both had the assent of all the Estates. Rot. Parl. iv. 179.

to contend with which the jealousy of the Parliament raised in his brother's way. But the whole exercise of his great capacity was required to sustain the load which the late King's decease had devolved upon him; and certainly it is not easy to find in all the history of those times a personage more entitled to our admiration, if superior talents alone are the object of applause. A genius ever fertile in resources; a constancy which the most grave and unlooked-for disasters could not shake; courage and skill that rose with the emergency, and became the more conspicuous the more they were of difficult exercise; these great qualities were joined to the prudence and circumspection which prevents either oversight or error, the self-command which forbids all entrance to selfish propensities when public duty must be performed; and while the person thus endowed with talents and wisdom commanded the respect of all, his amiable disposition won the affections of those whom the more stern nature of Henry had chilled or repulsed. A master of the art of war as practised in that age, he was fully as remarkable for his political as for his military conduct; nor would it be easy to discover a single particular in which his arrangements for meeting the difficulties of his situation could have been improved. It is painful to view the stains which, in the sequel, tarnished so bright a renown.

He began by sending persons in whose zeal and ability he could confide to hasten the arrival of supplies from England; and the inroads of Charles's partisans soon showed how necessary such succours

had become. No longer confined to the southern provinces, they crossed the Loire, attacked many places held by the English, and surprised several which were unprepared. They even penetrated as far as Normandy, and took Bernay, defeating an English force that marched to its rescue or recapture. They were equally successful in seizing upon La Ferté Milon, a town of some strength on the borders of Champagne, and held it until L'Ile Adam, whom Bedford had wisely released on his brother's death, collecting hastily a body of troops, retook it. But the loss which most grieved the Regent was that of Meulan, a strong place on the Seine, by commanding the navigation of which it cut off the river communication between Normandy and the capital—Normandy his only stronghold, and Paris where the Armagnac party divided the allegiance of his subjects. Accordingly he lost no time in preparing to regain possession of so important a post. The place had been surprised about the middle of January, and the siege to retake it was formed within a few days after. To interrupt these operations Charles made extraordinary efforts. He despatched the Constable Buchan and Count Aumale with a body of 6000 men, which passed unresisted through the country between Bourges and Meulan, a clear proof what an imperfect hold the English had of their conquests; for the distance was not less than 120 miles.

March 1, 1423. When this force came within sight of the besieging army dissensions broke out between the commanders, and the expedition returned

into Berri without making any attempt to raise the siege. The garrison, disheartened at this untoward event, and not unnaturally indignant at being left to their fate, capitulated after a resistance of six weeks, upon the terms usually granted in those days, that all were to be spared except certain specified individuals, whose conduct had given particular offence to the conquering party.

This important success enabled Bedford more effectually to take steps for improving his position. In order to draw closer the ties of alliance with the Burgundian, he negotiated for the hand of the Princess Anne, his sister. Richemont, the Duke of Brittany's brother, one of the prisoners of Agincourt, but suffered to be at large, had broken his parole on the weak pretence that the death of Henry, to whom it was given, released him from his promise; but instead of disputing this point, Bedford with great address turned the incident to account, ingratiated himself with Richemont by obtaining for him the hand of the Princess Anne's sister, and thus became nearly connected by marriage with the person whose influence he knew to be paramount at the Court of his brother, of late become wavering in his attachment to the English cause. A meeting of the three Princes was held at Amiens soon after the surrender of Meulan; and a treaty of alliance was concluded between them, proceeding upon the recital of the projected marriages, and professing to have in view, beside mutual defence, the promotion of the glory of

God by relieving the people's distresses and driving away from the country[1] the war that oppressed it; a somewhat startling pretence on the part of three Sovereigns, one of whom had brought war into the heart of the kingdom, and maintained it with the help of the other two.[2]

The celebration with great pomp of the Regent's nuptials at Troyes, and his consequent stay in that town, betokened in the eyes of the Parisians a disposition to slacken in the prosecution of the war; and that fickle people,[3] so lately the supporters of the English and Burgundian cause, secretly opened a correspondence with Charles, whose troops they were willing to receive within their walls. But Bedford, having intelligence of the conspiracy, hastened with his wonted promptitude to crush it; and arriving the day before he was expected, entirely defeated the conspirators, severely punishing the ringleaders. Meanwhile the succours for which he had sent arrived from England, and he was enabled, beside taking the places which still held out in Maine and Picardy, to despatch an army of 15,000 English and Burgundians, with the design of raising the siege of Crevant on the Yonne, a Burgundian town of importance, now closely invested by the troops of Charles. A fierce and obstinate engagement there took place, beginning with an unsuccessful attempt to

[1] "Abouter la guerre hors celuy royaume."

[2] Rym. x. 280. Monstrelet, tom. ii. fol. iii.

[3] Napoleon's well-known distinction between Parisian and Frenchman appears applicable in all periods of their history.

prevent the English from passing the river, and ending on the plain which it washes. Salisbury, the most renowned warrior of the age, and whom the chronicles describe as more resembling an old Roman than a modern knight, commanded for the Regent; and the Constable Buchan, with Severac, for Charles. The fate of the day, long in suspense, ended in the total defeat of the French army, with the loss of above 2000 men, and half as many prisoners, among whom were the Constable himself and Severac; and many of the chief nobles of France were slain.

It presents a singular picture of the times, that among the articles agreed upon between the English and the Burgundian allies at a solemn conference held in the cathedral of Auxerre before marching towards Crevant, we find a peremptory order commanding all to dismount on pain of death, and leave their horses half a league in the rear, and forbidding any one to take a prisoner until the fate of the day should be decided, under the like penalty of death to both captor and captive. The obvious design of the former article was to prevent the men from running away; that of the latter was to control the thirst for plunder, always sought to be gratified by the demand of ransom: so closely intermingled with base fear and baser avarice were the feats of arms in those boasted days of ancient chivalry—those times of war-like honour, when "a stain was felt like a wound."[1]

[1] The accounts vary as usual in regard to numbers. P. Daniel makes the French loss only 1200 (vii. 14). Monstrelet says 1200 of

This victory enabled Bedford to drive the French from some towns which they still held in the northern provinces, and to prepare for carrying the war across the Loire. With this view he entered the country of Macon, and took several places in the rear of Charles's forces. The straits to which that Prince was thus reduced made him urgently apply to all his remaining allies. Some aid he received from Milan; but his main reliance was upon the Scots, who, exasperated by the cruel and unjust detention of their Sovereign, as well as influenced by the ancient national grudge against England, sent a force of above 5000 men, under the Earl of Douglas. Bedford upon this had recourse to a measure the long delay of which had manifestly been productive of serious injury to his cause. He made Gloster and the Council enter into a treaty for the deliverance of James from the captivity in which he had so long been held; and in order the more to detach him from the French alliance, he promoted a match with the Lady Jane Somerset, cousin to the King, and niece of Beaufort, the Bishop.[1]

1424.

A considerable time now elapsed without any event of importance to the progress of the war. Many places of little note were taken from the English by surprise, and soon after recovered. Compiègne and Crotoy, towns of greater note, were also

the Scots were killed and 400 taken captive (tom. ii. fol. 6). Hall absurdly makes the French loss 5000, and the English 2000 (p. 118).

[1] Rym. x. 293. 321.

obtained by Charles's troops; but the fortune of the war was with the English, and north of the Loire their adversary had no footing. While he received the Scotch succours under Douglas, the Regent was opportunely joined by a large reinforcement which Gloster sent, amounting by some accounts to 10,000 men. Thus strengthened he undertook the siege of Yvry, a strong place on the Norman frontier; and Charles, finding that it agreed to surrender if not relieved before the 15th of August,[1] sent a powerful army to its relief, under the Constable, who had been ransomed. It arrived too late: Yvry had fallen; and Buchan moving suddenly upon Verneuil, a frontier town of Maine, the inhabitants were alarmed at the prospect of a siege, and opened their gates in spite of the commandant and the garrison. As this was a more serious loss to Bedford than Yvry had been to Charles, he lost no time in marching to retake it; and the two armies fought a pitched battle before the place, when the French were defeated with great slaughter. The impatience which had been so fatal at Agincourt again proved their ruin. Wise by that sad experience, the greater number of the French generals were unwilling to risk a battle which in the all but desperate state of their affairs might be their last; but their able and experienced leader, Buchan, unfortunately joined with the other Scotch captains in deciding to try their fortune against the Regent when they might have retreated with safety;

[1] Feast of the Assumption.

and it was, after much consultation, resolved to await his approach.

Aug. 17, 1424. Bedford, eager to meet the great body of his antagonist's force, and to wipe out the stain which he deemed that the surrender of Verneuil without a blow had left on the British arms, advanced with extraordinary alacrity to the fight. He drew up his army in a single line, each man-at-arms having, as at Agincourt, a shod stake planted before him, and the archers formed the two wings, except a body of 2000, who were appointed to guard the baggage and the horses of the dismounted men-at-arms. The Constable also, on his side, formed his men-at-arms, all dismounted, in a single line, with the horsemen on the flanks. His plan was to await the Regent's attack; but it was disconcerted by the hot temper of Narbonne, who advanced prematurely, and forced the Constable to join in the onward movement. The cavalry having in vain endeavoured to attack the English in the rear, rushed on the baggage, and compelled the archers to quit its defence. The Lombard horse then engaged in the congenial occupation of plunder, and allowed the bowmen to retreat in good order, and join the main body of the army. The French, under their veteran commander, now made a desperate attack on the Regent's line, which it required his utmost exertions to sustain. Mounted on his bay charger, he flew about from corps to corps; he was in every spot to be seen sharing the danger where

the fight waxed hottest, encouraging his men with cheerful talk, and bringing up fresh troops to supply the losses in his array. For a long time he could perceive no slackening in the enemy's attack; but at length he thought he could descry some faltering, and instantly he commanded his troops to advance with all possible rapidity. The movement proved decisive: the French, wearied and baffled, could not withstand the powerful impulse; they fled in all directions. Of 18,000 men, between 4000 and 5000 were left on the field; but as at Agincourt the loss fell heavier in proportion upon the officers. Most of their generals were slain; among them the Constable, Douglas, and his son, Aumale, Ventadour, Gravell, and that Narbonne whose temerity had so great a hand in occasioning the disastrous event. Alençon and other generals were among the prisoners. The Regent, on his part, lost 1600 men; and a slaughter so unusual in the victorious army made him order that there should be no manifestation of joy to celebrate a triumph thus dearly purchased.[1] The only solemnities performed after the battle were his returning thanks to Heaven in the presence of his officers assembled on the field of battle, and the less pious ceremony of having Narbonne's body hung upon a gibbet, as one of the murderers at Montereau.

Verneuil surrendered immediately after the engagement, as did Mayenne, Marne, and other places in Maine. The affairs of Charles appeared to be

[1] P. Daniel, vii. 4. Hall, 124. Monstrel., tom. ii. fol. 12.

nearly desperate. His supplies of men were exhausted; to no quarter could he look for more. His supplies of money were reduced to so low an ebb, that his table was in want of the most common necessaries. The Loire was the boundary of his possessions; and while to the north of that river he had no footing, Bedford was preparing to profit by his distresses and carry the war into the south, when a serious difficulty arose, the remote cause of those reverses which were, in any event, certain to have sooner or later changed the fortune of the war.

The dissension which had long subsisted between Gloster and the Bishop of Winchester, afterwards Cardinal Beaufort, had now broken out in open hostility. The imprudent conduct of the former had entailed upon him the more formidable enmity of Philip; and this led to an alienation of the Burgundian party, hitherto the mainstay of the English power in France.

It is probable, and some have affirmed, that Beaufort had encouraged the opposition which was made, as we have seen, by the Parliament to the title and authority of Regent being conferred upon Gloster. But it is certain that the exercise of the limited power granted to the nephew, and the guardianship of the young King's person held by the uncle jointly with Exeter, soon brought into an almost unavoidable collision two men whose ambition was the only point of resemblance in their characters—the indiscretion of the one being as likely to give offence as the pride

of the other was to resent it. While the kindness of Gloster's disposition and the suavity of his manners, his courtesy towards equals, his affability to inferiors, formed a remarkable contrast to the stern nature and lofty demeanour of the haughty Prelate, it was observed that in their pursuits as well as their tempers the layman and the priest seemed to have changed places; for while the spiritual Peer devoted himself to the amassing of wealth and the pursuit of power, the chivalrous habits of the age did not prevent the temporal Baron from devoting much of his time to the society of learned men, and of his patronage to their advancement. Although both were conspicuous for politic capacity, and for personal intrepidity as well as moral courage, in genius for affairs and in boldness of design Beaufort appears to have outstripped his nephew. Firm of purpose, fertile in resources, unscrupulous in the choice of his instruments, unbounded in the confidence he accorded them, he must be regarded as one of the first statesmen of his age, if he does not, after the Fourth and Fifth Henrys, stand at their head. Little disposed to waste his eloquence upon the ordinary topics of his sacred profession, while he left to others the fame of a great preacher, his rhetoric as well as his address was employed at the Council of Constance in furthering the interests of the Anglican Church; and his sagacity failed not to discover that his success on so great an occasion must prepare for him the way to the loftiest ecclesiastical positions. The promise of

a Cardinal's hat and of the Legantine Commission, which he then received from Martin, he only deemed of importance as leading, first, to a large accession of wealth, and eventually to the Papal chair, the object of all his hopes. Notwithstanding his reputed avarice, the not unusual consequence of the Romish system, which, forbidding its dignitaries the enjoyment of riches in the endowment of a family, casts them upon the less natural desire of accumulating for accumulation's sake, he bestowed his vast wealth, which obtained for him the name of the "*Rich Cardinal*," in largesses, as well as in loans of unparalleled amount to the Crown, and in munificent ecclesiastical foundations. But Gloster, who bore among his countrymen the more endearing title of the "*Good Duke*," enjoyed a degree of popular favour which neither his uncle's riches could gain, nor his own indiscretions could destroy. The Prelate's life was unexceptionable, and his performance of ecclesiastical duties decorous; yet could he lay aside on occasions the crosier for the sword, and head the more zealous portion of his flock in a crusade against the Bohemian heretics. That he was free from the vices in which the dignitaries of his age indulged cannot, perhaps, be affirmed, any more than he can be proved to have always kept the line so hard for aspiring natures to follow—the line which separates the steep and slippery, though straight, ascent of ambition from the devious path of restless intrigue. Pride, so unseemly in a Christian divine—

love of money, so unworthy a man of parts—impatience of a superior, so apt to engender jealousy and revenge—care for worldly things, cherished in the hour of death, and betokening little of a devout spirit—these stains may be suffered to rest on his memory, and from these Gloster's is entirely free. The Cardinal was neither much better, nor much worse, than the other Romish dignitaries of the fifteenth century, who, regarding the authority and the wealth of the hierarchy as the appanage of the aristocracy, thought less of the duties attached to it than of making its privileges the road to temporal power, and cultivated political arts rather than the learning, which they left to the studies of the humbler clergy. But if it would be wholly incorrect to regard him as even approaching to a faultless character, it would be far more unjust to believe the popular traditions by which his memory is blackened, in the dark portraiture which has reached us from the poetry of Shakespeare and the pencil of Reynolds.[1]

The dissensions of these two powerful rivals caused great embarrassment to Bedford, and mightily increased the difficulties of his situation, which the important victory at Verneuil had seemed materially to lessen. But the imprudent conduct of his brother was attended with far worse consequences than the opposition of his uncle; for it occasioned the estrangement of Philip, and even placed the Burgundian alliance in jeopardy.

[1] Note LVI.

Jacqueline of Bavaria, heiress of William, Count of Hainault, had been recognised also by the States of Holland as his successor in that country. To both these dominions she succeeded on his decease in 1417. She had been married to the Dauphin John, who died a short time before his father; and she then married John, Duke of Brabant, a weak Prince, for whom she soon lost all respect; and her contempt was changed into hatred when he refused to assist her against her uncle, John of Bavaria, who, claiming Holland as a male fief, invaded it, and threw the country into confusion. Her disgust towards her husband did not stop here. On pretence that her marriage was illegal on account of consanguinity, and that the Pope, Martin V.'s licence having been first granted, then revoked, afterwards granted again, was not valid to cure the defect, she declared herself single, left the country, betook herself to England on a secret understanding with Gloster, who had set his affections both upon her person and her inheritance, was naturalised by Act of Parliament, and married him publicly, to the great scandal of the world, without awaiting the result of a new appeal to Rome for having her former marriage declared void. It unfortunately happened, that Philip, though equally related to Jacqueline and her second husband, the one being nephew and the other niece of his father, Jean-Sans-Peur, yet took part with the Duke, and joined the rest of mankind in being shocked at Jacqueline's shameless conduct. It

March 8, 1423.

is also certain that he regarded with jealousy Gloster's manifest designs upon the succession to Hainault and Holland, on both of which dominions the event proved that he intended himself to advance claims. Accordingly, he openly declared war against Gloster, who had soon after his marriage made preparations for supporting Jacqueline's rights to Hainault and Holland; and when some months after he marched an army of 5000 men into the former country, all measures were broken between the two Princes. The most violent personal altercations were joined with their adverse military operations, insomuch that a challenge to single combat was given and accepted, and the duel was only prevented, after every preparation had been made for it, by the interposition of Bedford, to whose arbitration the dispute was submitted. This prudent ruler had in vain attempted to heal the breach between the parties; he had held a conference for the purpose with Philip, who most fairly offered to make him umpire; terms had been agreed upon, and the Regent's award was pronounced; but Gloster's fiery spirit would brook no control, and the war continued until, seeing that all the towns in Hainault took part against Jacqueline, he was obliged to return with his army to England and leave her in Mons, the only place that still supported her. Yet here, too, she was unfortunate; for the people gave her up to Philip, who detained her in an honourable confinement at Antwerp. From thence she escaped, dis- Oct. 1423.

guised as a man, into Holland; and Philip maintained the war against her until her husband, John of Brabant's death, when she purchased peace by declaring the Burgundian heir to all her dominions. Meanwhile, the Pope having pronounced her divorce void, and her marriage with Gloster invalid, even in the event of her second husband's decease,[1] he consummated his imprudence by espousing Elizabeth Cobham, a person of rank much inferior to his own, and with whom he had carried on an intrigue while she was one of Jacqueline's attendants. Jacqueline herself married a person also of very inferior station, from whom Philip compelled her to separate because the match had not his previous consent, which the terms of their treaty required.[2]

All these transactions, for which Gloster alone was to blame, proved disastrous to Bedford. Notwithstanding the great pains which he took to prevent the alienation of Philip, the Burgundians and the English had become estranged from each other. They had, indeed, more than once met in hostile array during the contest for Hainault. A meeting had been held by Philip at Macon, for the purpose of negotiating a marriage between his sister, the Princess Agnes, and Clement de Bourbon, cousin to Charles, whose ambassador had even attended the conferences. The strength of the tie which knit the Burgundian

[1] The adultery with Gloster rendered any subsequent marriage with him invalid by the canon law.

[2] P. Dan., vii. 6. Rym., x. 298. Hall, iii. 128. Monstrel., tom. ii. fol. xv. to xx.

to the natural enemy of his country became daily weakened, while the conflicting sentiments engendered by Gloster's indiscretion gained force; and it might now be perceived that almost the only link which remained of the alliance was the personal ascendant of the Regent, and his constant study to maintain a place in Philip's affections. But the most immediate of the evil consequences which had attended Gloster's misconduct was the positive loss of numbers which it entailed upon the English army. The troops sent into Hainault on Jacqueline's behalf and those with which Philip prepared to meet them, were alike taken from Bedford's force by intercepting his supplies; and he was under the necessity of repairing to England, in order, if he could not appease the quarrel between his brother and Beaufort, at least to prevent more of the English resources from being squandered upon the war in Hainault. A Parliament was held, and by great exertions Gloster was prevailed upon to let his dispute with his uncle be decided by arbitrators chosen from among the Prelates and Peers. He brought forward charges against the Bishop, accusing him among other things of a design to assassinate the late King, a story resting upon some loose expression of that Prince, but negatived by his whole conduct towards his uncle down to the time of his death. The arbitrators decreed that Gloster should retract the accusation, which was pronounced by the Parliament to be groundless, and that, each party disclaiming all ani- March 7, 1425.

mosity towards the other by making a solemn declaration to be recorded in the Parliamentary Rolls, both should publicly shake hands in token of reconciliation.[1] It is stated by contemporary historians that the Council reprimanded Gloster for his operations in Hainault, and refused him the further assistance which he required. It is also said that Bedford prevailed upon him to desist from this demand upon the duchies.[2] The Rolls, however, show that the Commons in the next Parliament, when granting the subsidy for that year, stated their having regard to the helpless situation of the Duchess of Gloster, and expressed their hope that such aid might be given her as should consolidate the connexion of her dominions with those of England. This was declared to be an object which the Commons and their constituents had much at heart.[3]

1427.

But whatever support he may have derived from the English Parliament, it is certain that the consequences of this whole affair proved in the highest degree prejudicial to the English interests in France. A formal declaration of war had been made against England, owing entirely to Philip's quarrel with Gloster; and though the Papal decision and his leaving Jacqueline to her fate had put a stop to hostilities, the coldness which succeeded between the two countries, while it crippled Bedford's operations,

[1] Rot. Par., iv. 296.

[2] Monstrelet, tom. ii. fol. xxi. xxiv.

[3] Rot. Par., iv. 319: "To the singular comfort both of the Commons and of all those that they bene comyn froe."

encouraged the Duke of Brittany to withdraw from his alliance. Thus the foundation of the reverses which afterwards so entirely changed the face of affairs was laid in the indiscreet and headstrong conduct of Gloster.

It may be doubted if in these circumstances the Regent acted wisely, when after much deliberation and with great reluctance he took the resolution of crossing the Loire and attempting the total reduction of Charles. The commonly received opinion is, that he was overruled by the counsellors whom he assembled to consider the subject; and it certainly derives countenance from the expressions used in a report to the Crown which goes under his name—"the siege of Orleans, taken in hand God knoweth by what advice."[1] But the acknowledged capacity and firmness of the man seems at variance with the supposition that, in deciding so momentous a question, he could suffer himself to be overborne by the advice of his officers. In all probability he was aware of the difficulties which surrounded him, and of the formidable obstacles which they interposed to any offensive operation; but he might justly consider that a state of inaction, while it could not remove them, exposed him to further risks of another kind, and especially to the danger of the national feelings rising up against the invasion, and the love of the people for their native sovereign reviving after the estrangement which faction and civil war had produced.

[1] Rym., x., 408. Note LVIII.

But whatever may have been his doubt, or his dislike of the course which he finally resolved to take, his firmness and ability in pursuing it after the determination was once formed were such as might be expected from so accomplished a leader. He immediately marched a body of 10,000 men under Salisbury, who had just arrived with a reinforcement of about half as many from England. They passed the Loire and proceeded to form the siege of Orleans, when their victorious commander, in the act of reconnoitering the defences from a house in the neighbourhood, saw the flash of a gun pointing towards him, leaped aside to avoid the shot, but was mortally wounded by the fragments of mortar which the ball tore from the wall. The command devolved on Suffolk, an able though inferior captain. Bedford, soon finding the extent of the works so great as rendered it extremely difficult to maintain the blockade, into which the siege was turned, detached considerable reinforcements to his assistance; but as the spring approached the supply of provisions became scanty to the besiegers as well as to the town itself, and a convoy was most anxiously expected under a strong escort commanded by Sir John Fastolf. The French, apprised of this, despatched a powerful force to intercept it; and coming up with the English at the town of Rouverai St. Denys, a severe conflict ensued, called, from the provisions with which the convoy was laden, the Battle of Herrings.—

Oct. 1428.

Feb. 12, 1429.

Notwithstanding the great disparity of forces, there being above 5000 French and Scotch to little more than half the number of English, Fastolf gained a complete victory, killing above 600 of the enemy, among whom were Stewart, Commander of the Scots, and other officers of rank, and arrived safely with his charge at the quarters of the besieging army.

Several months were now passed, only varied by operations of trifling moment; but the want of provisions began to press sorely upon the town, and an offer was made of surrendering it to Philip rather than to Bedford. But the brunt of the contest having fallen upon the English, their commander thought himself entitled to reap the honour of the conquest, and refused the proposed capitulation, adding the flippant expression that the "English were not people to beat the bushes for others to kill the game, or chew morsels for others to swallow." It seems difficult to reconcile this refusal with the uniform wisdom and temper which marked all Bedford's proceedings. Not only was a most important advantage over the enemy lost, at all events delayed and placed in hazard, but offence was given to an ally, and a breach widened which already existed to an alarming extent. Nevertheless the fall of Orleans seemed inevitable. The affairs of Charles appeared hopeless. Uncertain what course to take, and unable to decide between the conflicting opinions of his Council, some of whom were for a surrender and others for continuing the war, he now

spoke of making a desperate stand, now of retiring into Dauphiné and endeavouring to retain some footing in the south; but seeing no glimpse of hope in any quarter, he was fain to shut himself up in his closet and give vent to his sorrow in tears, which only made him the more unequal to grapple with the perplexities of his situation.[1] To this state was he reduced when one of the most singular incidents recorded in history brought him unhoped-for relief, occasioned a mighty change in the fortunes of the contending parties, and led to the ultimate discomfiture of the invaders, for which the estrangement of the Burgundian had paved the way.

Feb. 1429. Early in the month of February, 1429, at Vaucouleurs, an Armagnac frontier town of Champagne, situated on the Meuse, there presented herself before Baudricourt, the commanding officer, a young woman about nineteen years of age, with few personal attractions, though of expressive and even pleasing countenance, of humble station by her appearance, yet of modest demeanour, robust in form, though of low stature, and of manly rather than feminine aspect. She represented herself as the daughter of one Arc or Arche, a peasant near the village of Domremy, some miles distant. She related how, having fallen asleep in a chapel or hermitage,[2] she had a vision from what she regarded as Divine inspiration; professed her belief that she was chosen

[1] Mez., ii. 10. P. Dan., vii. 56.

[2] Bergomensis, De Claris Mulieribus, cxli. 14.

by Heaven to bring about the deliverance of her country from the English; and desired earnestly to have the means of obtaining access to King Charles, whom she undertook to succour so effectually, that not only should the siege of Orleans be raised, but she should enjoy the gratification of seeing him crowned like his forefathers at Rheims. Baudricourt at first treated her as a person of unsound mind; but when at a second interview she repeated her story, he so far lent an ear, without at all believing it, as to direct inquiries respecting her family and her previous life. He found that her account was strictly true in so far as its particulars could be examined; that her parents, though in very humble circumstances, were respected by their neighbours; that Joan, so their daughter was called, bore a character above all reproach, though, from accidental circumstances, she had acquired masculine habits, which her great strength, as well as her taste, inclined her to affect; and that she was of a somewhat enthusiastic cast of mind, though endowed with more than ordinary vigour of understanding. But, not satisfied with these justifiable precautions, he had recourse to a most reprehensible test for the trial of her virtue. Some of those under his command were desired to address her with proposals of an amorous description. To them she turned a deaf ear, and proved herself, if not absolutely above all temptation, at least so occupied with her supposed mission as to spurn every more grovelling pursuit. It appeared, too, that intent

only on her visions, she had already refused the offer of a suitable match. The result of these inquiries and trials naturally and justly operated in her favour; but the account often given [1] of her having declared that the Royal forces were sustaining a serious discomfiture at the moment she was addressing Baudricourt, and of intelligence some days after arriving of Fastolf's victory two hundred miles from the Meuse on the same day, appears to be wholly without foundation. Her amiable character and exemplary piety had gained her many friends; and the visions which she had for some years described with the most entire belief in them, had easily obtained credit with her neighbours, ignorant peasants, in a superstitious age, so that a general feeling prevailed in favour of her suit to Baudricourt. He no longer hesitated to comply with her desire of an introduction to Charles; and, having equipped her as she desired, with men's clothing and armour, he sent her to Orleans, in the company of two neighbours, the intermediate country being for the most part in the hands of the English. The journey was performed with considerable risk; the district of Auxerre, wholly in the enemy's possession, was with difficulty traversed; to avoid the posts on the bridges, it became necessary to swim their horses across several rivers; but at length she arrived at Chinon, the King's head quarters. After much deliberation of the Council, who, learning the object of her expedition, dreaded the ridicule

[1] P. Dan., vii. 57. Monstrel., tom. ii. fol. xxxv.

which their belief in her visions might bring on the Royal cause, it was at length agreed that she should be presented to Charles. All the accounts agree in stating that he purposely placed himself among his courtiers, in a dress as well as a position which did not distinguish him from others, in order to try whether or not the Maid would discover him; and that, singling him out, she at once went up to him, made her obeisance respectfully, but unabashed, and repeated her promise to deliver Orleans, as well as to see him crowned at Rheims.

It is manifest that, even if she never had seen any picture nor heard any description of Charles, her acknowledged quickness of sight and judgment might perceive some of the courtiers among whom he stood giving place. But her finding him out was at once ascribed to supernatural agency. She was now subjected to an examination by doctors of theology, touching the source of her extraordinary gifts; and she flung them into great admiration by the readiness and good sense as well as the simplicity of her answers. But she went further. She undertook to disclose her knowledge of a circumstance known only to the King himself, and revealed to her from above. That Prince agreed to declare how far what she should state was consistent with the fact, provided she gave her account in the presence of persons whom he named. To this condition she assented; and before his Confessor and others he acknowledged it to be true as the Maid affirmed, that lately, when

reduced to extremities, he had besought Heaven either for safety from impending ruin, or for a secure retreat in Spain or in Scotland.[1] Though Charles was now convinced that she had a divine mission, yet, being resolved to do nothing rash in so important a concern, he required her to go before the Parliament then sitting at Poictiers. With some reluctance she consented; and the result of a long and searching interrogation by the lawyers and churchmen was the establishment of a general belief in her miraculous powers and divine mission.[2]

It is of course manifest that if the Maid delivered all the statements which are related, and ascribed her knowledge of events to supernatural communication, she only affords another instance of the facility with which imposture allies itself with enthusiasm, so as to make zealots half believe the fables which they half invent, and to leave us always in some doubt how far they are the dupes, how far the contrivers of delusion. But those who give entire credit to the relations of that age, finding it impossible to explain such passages as the discovery of Charles's somewhat remarkable prayer, have had recourse to the supposition that he was himself party to a fraud which he conceived might be practised with success to raise the drooping spirit of his troops, or even quicken their loyal devotion by a belief in assistance from above. It certainly seems difficult to

[1] MS. Bib. du Roi, cit. Langlet, Hist. de la Pucelle, ii. 149.

[2] Note LVII.

avoid some such conclusion, unless we discredit portions of the story; and the care with which the Maid's promises were promulgated, and all that concerned her made public, appears to favour the supposition of concert, while, on the other hand, the searching scrutiny to which she was subjected at Poictiers would lead to a contrary inference, unless we suppose that the leading men of the Parliament were in the secret of the plot. But whatever may have been the origin of this singular affair, and whatever the circumstances that accompanied its development, no sooner had Charles and his Court resolved to patronize the Maid and avail themselves of her agency, than they performed their part of entire acquiescence in her pretensions to a divine mission, and spared no pains to render her services effectual by clothing her with whatever respect could best secure her sway over the minds of men.

She was immediately provided with a complete suit of armour, a charger, a squire, a page, and two valets. She desired that the armour should be that of a man. For a sword, she required that one should be brought her from the Church of St. Catharine de Fierbois, near Tours, describing it as having five small crosses near the hilt. Being asked if she had ever seen it, she said she knew such a sword was there. On sending messengers to the place, a sword was found answering her description, and it was given to her; but she had been at the village, and in the Church of Fierbois, on her way to Chinon. She

desired a banner to be made after the fashion directed by "*her voices*," as she called the supernatural communications she imagined she received; it was of white silk, studded with fleur de lys, and had in the centre a figure of God holding a globe in his hand, with the Saviour and the Virgin supporting him. After it had been solemnly blessed in the Church of St. Saviour, this standard was always borne before her. She now made her appearance before the assembled court, fully armed, and mounted upon her charger, which she rode and managed with perfect ease, to the wonder of all the bystanders, who forgot, or perhaps had never been suffered to know, that she had for a short time been servant at an inn, and might have had some care of the strangers' horses.

It was now resolved to try how far she had the means of performing her promises. She began by sending a formal summons to Bedford, announcing her divine mission, requiring him to raise the siege and quit the country, and threatening him with the displeasure of Heaven if he refused to comply. Her menaces were, as might be expected, laughed at by the English army, who regarded Charles as only showing to how desperate a state he was reduced when he placed confidence in the ravings of a mad-woman. A few days, however, sufficed to change their sentiments, and to strike their minds with the superstitious awe that had seized the French—a feeling ever contagious among the vulgar, but especially in those days of ignorance and enthusiasm. The town being

reduced to extremities for want of provisions, it became of the greatest importance to secure the arrival of a considerable convoy, which was then waiting at Blois for an opportunity either to pass or elude the besieging army. The Maid was detached to that town at the head of a large force, represented by some authorities as not less than 10,000 men. The first order she gave on arriving there was that the soldiers should all be confessed; the next that all the women of bad fame who followed the army should forthwith leave it. She then marched from Blois, and with so much despatch that the convoy arrived in sight of Orleans on the following day. Dunois, who commanded, caused a well-timed sally to be made on the opposite side of the town in order to engage the enemy and cover the Maid's approach, who protected the operation of loading the provisions in boats, while the English, astonished at what they saw, did not venture to attack. This panic was regarded by the besieged as a new manifestation of divine favour, and tended greatly to increase their confidence. They wished the Maid to enter the town and undertake its defence; and although her own desire was to remain in the open country, she yielded to their entreaties, was suitably lodged with a person high in office, and required that his wife and daughter should constantly attend her while in his house; a precaution which she always took when lodging in any town, having the protection of her brothers as often as she slept in the country.

April 28, 1429.

In a few days a second convoy from Blois approached. To protect it the garrisons of the neighbouring towns were assembled. The Maid, attended by Dunois, sallied forth from Orleans at the head of such troops as could be spared from the works, never doubting that a formidable opposition would be offered; but none whatever was attempted, although they passed in full day with colours flying before the English posts. They joined the convoy, and with it regained the town in safety. Another sally made by the besieged to attack one of the English towers was unsuccessful. Joan had retired to take some repose, and knew nothing of the movement. She no sooner heard of its discomfiture than she started up, met the flying troops, encouraged them by placing herself at their head, led them back to the charge, and the fort being speedily taken, all the English were put to the sword, or made prisoners.

The confidence with which these operations inspired alike the inhabitants and the troops was soon turned to account. It may be observed that, although the French commanders deemed it politic to make much of the Maid's gifts, they did not submit blindly to her guidance, and took care that she should always be attended by the most skilful of their own number. Thus she had insisted on the first convoy entering Orleans by the side of Beauce; but as the besiegers were in great force in that quarter, Dunois stood firm to the more rational course of entering by Sologne, where comparatively few of the English

were stationed. So likewise when, after the success of the former sally, she strongly urged the attacking another tower much greater in extent and far better garrisoned, Dunois insisted on taking the wiser course of assailing the lesser forts which commanded the communication with Berri. The more important of these were taken mainly by her assistance in heading the troops, and rallying whatever detachment happened to be momentarily repulsed. On one occasion her advice was followed contrary to what appeared the more expedient course. It had been proposed to desist from the attack commenced upon the Tournelles, the fort that commanded the bridge; she, quickly perceiving the enemy's fire to slacken, concluded justly that his ammunition was expended, and urged a renewal of the assault. The event justified her discernment, and the fort was taken, after great resistance, during which she received a wound in the neck: she quickly dressed it, staunched the blood, and regained her post at the head of the troops. The tower was carried with the loss to the besiegers of 30 officers, and thrice as many men.

Since offensive operations were renewed, while the French lost but a mere handful of their troops, the English loss amounted to six thousand. But a much greater calamity was their loss of courage and confidence in themselves. They could, by no efforts of their captains, be roused to anything like their former spirit; they felt persuaded that Heaven had declared against them; and they regarded themselves as

engaged in a hopeless contest with supernatural powers ranged on the side of their enemies. In these circumstances Suffolk and his officers, aware of their force being now too much reduced to maintain the blockade, and also perceiving how little prospect there was of any reinforcements arriving to restore the confidence of their disheartened troops, deemed it advisable to raise the siege, and retire towards Beaugency, where, as well as in the neighbouring places, they still had respectable garrisons. This operation was effected, and Orleans relieved, after a siege of seven months. But the retreating army was closely followed; the important town of Beaugency, the only post on the Loire which they retained, was taken, as well as several other places; and a pitched battle was fought at Patay, in which they were defeated with the loss of 2000 men.

June 18, 1429.

Encouraged by these auspicious events Charles now prepared to head his army in person. He advanced to Gien, where large numbers of his barons joined him, leading their retainers, and serving at their own expense. He directed an attack on Bonnay near the Loire, and, having taken it with little difficulty, he even meditated marching on Paris. All was hope and confidence in his party, while the Regent was flung into dismay when he saw that his troops, so long accustomed to victory, had now lost all reliance on themselves. Cast down by a rapid succession of disasters, they no more exerted their wonted resolution, but gave way to despair under the

impression which they seemed not to struggle against, that their conflict was with an enemy the special favourite of Heaven.

So great a change in the fortunes of Charles, and so sad a reverse in those of his adversary, had the strange and romantic adventures of the Maid brought about; a reverse which all just minds, however inaccessible to belief in her divine mission, must have regarded with heartfelt satisfaction as the due reward of patriot valour, and the condign punishment of unprincipled aggression!

Charles kept his little court at Chinon, and there the Maid was received with every distinction as the deliverer of France, and the lawful monarch's most powerful ally. She was admitted to all the councils of the commanders, and had constant access to their King, whom she earnestly urged to march upon Rheims that he might there celebrate the festival of his coronation. As most of the intermediate country was in the hands of the English, the general opinion inclined strongly against this course, and was in favour of first laying siege to several towns, particularly Cosne and La Charité on the Loire, above Orleans. But she insisted with such unusual vehemence upon immediately taking the route of Rheims that her opinion prevailed, seconded as it was by the reflection that her former promises had been so marvellously performed, and by the disposition to yield before the kind of mysterious nature which shrouded her. It was, therefore, determined to attempt pro-

ceeding towards the city consecrated by ancient usage to the inauguration of the French monarchs.

As soon as this resolution became known, the Constable Richemont manifested an extreme desire to assist at the august ceremony, and reckoning on the promised good offices of Alençon and the Maid to bring about his reconcilement with Charles, prepared to join him. The secret enmity of Trémouille frustrated this design, and he was forbidden to attend the court. In truth the condition which, upon Buchan's death, he had annexed, or had joined Philip in annexing, to his acceptance of the Constable's staff, the expulsion of Tanneguy du Chastel and Jean Louvet from Charles's councils, had never been forgotten; and a new proof was thus afforded how insuperable are the difficulties of command to a feudal sovereign whose courtiers and councillors are a body of independent Princes, each supported by his own followers, and none willing to perform the duties or yield the submission of subjects.[1]

Charles now marched with his army of 12,000 men by Auxerre (which he left unmolested on condition of its furnishing him with provisions) to Troyes, the capital of Champagne, where the garrison of Burgundians and English were forced by the inhabitants to treat for a capitulation. But the negotiation, after a week's delay, failed; and the army suffering extremely from want of supplies, the general voice required that Charles should retreat

[1] Note LX.

upon his resources. The Maid here interposed. She entreated him to persevere; she engaged that by storm or by treaty the place should fall in three days. Having obtained his promise to allow this delay before he abandoned the enterprise, she used extraordinary exertions to encourage the officers and the men; she made them bring up guns for the attack and fascines for the escalade;[1] and she contrived by going round the adjacent villages to obtain the supplies of food so much wanted. Meanwhile the fame of her exploits spread among the townsfolk; her promises often fulfilled were cited with the exaggeration natural to such a topic; her declarations of divine aid were repeated from mouth to mouth; the wonders she had wrought, ascribed to such a cause, struck the minds of men with awe; they could not refuse their belief to the heavenly ministry which she affected; and thus the garrison, finding themselves overpowered by the inhabitants, yielded on the second of the three days, only stipulating for a general amnesty. Châlons on the Marne surrendered with much less resistance. The army advanced to Rheims; and the ceremony of the coronation took place with as much pomp as the scanty attendance of nobles would permit. Sunday, July 17, 1429.

[1] Some writers reproach her as having planted mock guns in view of the town (Mez., ii. 15). But it is difficult to suppose that the townspeople should not see that these guns did not fire. The other accounts given are more probable,—that she planted small pieces which

The Maid placed herself near the Royal person during the solemn service, clad in full armour, holding her standard in her hand. At the close of the high mass she flung herself at Charles's feet, embraced his knees, and bedewed them with tears of joy, as she thus addressed him:—"At length, gentle Prince, is accomplished the will of God, that you should at Rheims be worthily crowned in token of your being truly King, he to whom the realm pertains." Charles expressed largely his sense of her signal services. She received from the nobles and the captains their compliments of congratulation; their joy was mixed with astonishment when they now saw accomplished things the least of which they so lately had declared to be chimerical, and plans successful which they had but yesterday deemed the height of rashness. But the Royal gratitude was gracefully and appropriately testified by a decree immediately pronounced exempting Domremy, the Maid's native village, for ever from all kinds of aids, taxes, and tribute—a decree twice afterwards confirmed by Charles himself, in 1459, and by Louis XIII. a century and a half after. Her family were ennobled, but not till later in the year; all, both male and female, were raised to rank; the name of De Lys was conferred on them instead of D'Arc or D'Ay; and although the female branches were afterwards excepted from the former decree by a new ordinance, the males of the family were ever afterwards noble.

Nov. 1429.

1614.

The effects of the solemnity at Rheims soon became apparent. No one ever pretended that the authority of the monarch in France depended upon his coronation, or was in any degree derived from that august ceremonial; yet all have observed its powerful influence in striking the minds of the people with reverence, and making them bow more submissively to the anointed representative of royalty. Accordingly, no sooner did intelligence of the proceedings at Rheims reach the surrounding country, than Soissons, Laon, Château-Thierry, and other important towns of Champagne acknowledged Charles; and Bedford became seriously alarmed at the daily improvement in the aspect of his adversary's fortunes. The conduct of that great man, alike remarkable in civil as in military affairs, presents at this time a singular union of all the qualities which were most required by the extraordinary difficulties of his situation—firmness, presence of mind, boundless fertility of resources, entire devotion of himself to the performance of his duties, and an absolute forgetfulness of every selfish feeling or personal interest. He first sent to Philip an embassy, conducted by persons of the greatest consideration, inviting him to Paris, where he desired to confer upon the position of their common cause. It was his happy fortune to succeed so far, that the Burgundian, though longing to treat with Charles, yielded to the Regent's authority, and repaired to meet him. Then in order to counteract Charles's intrigues with the Parisians, he carefully

circulated detailed accounts of the assassination at Montereau, by which he also gained the advantage of rendering more difficult any accommodation of Philip with one notoriously accused as the murderer of his father. He obtained from England a timely supply of 4000 men under the Cardinal; and, leaving a moderate garrison at Paris, he marched to Melun with an army of 12,000 men. Charles met him there, and offered battle, but the advantage not being sufficiently clear on the English side to authorise risking it, the offer was declined. Bedford having chiefly desired to show his force, retired towards Paris, and Charles, against the Maid's earnest remonstrances, retired in the opposite direction. Bedford again marched as if to meet him; and always chose his position so as to leave no possibility of an attack. In these and other marches of a like description, his object was closely to watch his adversary, and avail himself with his unbroken force of any error, any false move he might make—without giving the least opportunity of himself becoming the assailant—for he well knew that a defeat must prove far more fatal to the English than it could be to the French.

At this juncture, had Charles been able to press the war against Picardy, in all likelihood Amiens, Abbeville, indeed the whole province would have fallen. But he was about to attempt a negotiation of the utmost importance—nothing less than effecting a reconcilement with the Burgundian, who was then amicably disposed, and who must have been at once driven back

into hostility, if such a conquest had been made in the vicinity of his own states of Artois. Bedford, however, was alarmed by the exposed state of Picardy, and hastened thither with all the troops he could spare from Paris, whither Charles immediately marched, took the suburb of St. Denys, and laid siege to the fort of the Gate St. Honoré. In reconnoitering and sounding the ditch there, the Maid was wounded; nor do any authorities express a doubt that the officers treacherously withheld from her the knowledge they possessed of its depth. St. Denys was then retaken, and Charles, after showing during the attack an indolence which was alleged to partake of timidity, marched back towards Melun. Sept. 1429.

His negotiation with Philip now proceeded so favourably that a personal interview took place, and everything seemed on the point of being arranged. But the fortune of Bedford again prevailed, or rather the ascendant which he possessed over the Burgundian, and the contrivances he resorted to for retaining him in his interest, were an overmatch for any means which Charles had of detaching him. He was induced to visit Paris at this critical juncture. Every engine was there set to work for regaining his entire confidence. The priests were set on him to dwell unceasingly upon the tragedy of Montereau, and warn him against ever being knit in the bonds of fellowship with its actors. The commanders whom he had sent with some supplies to the English army were promoted to distinguished stations.

Bedford pressed upon Philip the Regency itself, refused by him on Henry's decease, and induced him to accept it for some months, that is, until the following Easter. He further promised him Champagne and Brie, to be holden as fiefs of the English Crown. To the Duke of Brittany he promised Poictiers: and though all men clearly saw that these promises cost him nothing, inasmuch as they extended only to dominions which were in Charles's possession, yet both the Burgundian and the Breton princes were mightily affected by them, and the negotiation with Charles was reduced to a truce from September to Christmas, and regarded only the province of Picardy.

At this time it happened that the good feeling towards Bedford in Paris became considerably lessened by the successes of Charles, and the want of supplies both in men and money so often promised from England. The emissaries of Charles failed not to work upon the discontent which they saw increasing in every direction. The Regent had notice of communications observed to be maintained between the capital and Charles's head quarters. He had all travellers carefully watched, and a friar being stopped and searched was found to be the bearer of treasonable intelligence. A clue was thus obtained to the conspiracy which had been formed; many arrests were made; a great number of executions followed; and, though terror was thus struck into the adherents of Charles, the odium which such severity excited

against Bedford had an unfavourable effect upon his cause.

While these things were passing in the capital, the disturbed state of the country tempted the Duke of Savoy to make a treaty with the Prince of Orange for seizing upon an important portion of the French territory between the Alps and the Rhone. The Duke was to have Grenoble and the mountainous portion of Dauphiné; the Prince was to have Vienne and the adjoining district.[1] But Gaucourt, who commanded for Charles in those parts, suspecting the design of the two confederates, made a sudden attack on the Prince of Orange with a body of nobles whom he induced to take the field mounted, and a still more efficient band of those freebooters who were then the terror of the country. The unexpected movement proved perfectly successful. Possession was taken of the whole principality, and the Prince himself only escaped by dashing into the river and swimming across that rapid torrent. The good offices of the Pope and King of Sicily (Count of Provence) restored peace between the parties, and Charles gave the Prince back his dominions on condition of his serving against the English.

But by far the most important event to either party during this campaign happened at the siege of Compiègne, which Suffolk and Arundel formed with

[1] These Princes apparently resolved to possess themselves of what now forms the great department of the Isère, having half a million of inhabitants.

a considerable portion of the English army. The Maid having headed a sortie with 600 men, and being pressed by the Burgundians who opposed her, was compelled to retreat towards the gates, but not before she had performed prodigies of valour. She continued from time to time facing about and encouraging her men to make head against their pursuers; but, overpowered by numbers, she was forced to fly in order to regain the town; her horse fell; she was thrown to the ground; and being surrounded she surrendered to Lionel, a bastard of Vendôme. It is by some authors affirmed, that the jealousy of the French captains, which continually broke out, showed itself fatally on this occasion; for Guillaume Flavey, the commandant of the place, is said to have closed the gates and prevented her when pursued from reaching the shelter she sought. Certainly the treatment she received afterwards at the hands of those whose cause she had rescued from destruction, would justify any such suspicion as rests upon Flavey's memory. But whatever opinion we may form on this point, there is no doubt that Vendôme the captain, under sanction of the barbarous practices adopted in those days of chivalry, sold his prize to John de Luxemburgh; and he soon after, likewise for a price, made her over to the English.[1] They, regarding her fall as the most signal success that could attend their arms, caused it to be celebrated as a victory by a solemn *Te Deum*

May 23, 1430.

[1] 6000 livres and 300 a-year rent or annuity was the price.

and other marks of rejoicing at Paris and elsewhere. It is urged, in extenuation of the Burgundian's bargain, that a few days before, Franquet, a partisan of great valour and high reputation, having fallen into her hands overpowered by superior forces, near Lagny, she had caused him to be beheaded on the spot, to the general horror of the army.

No sooner was the Maid in their power than Bedford's officers had her closely confined, and loaded with irons, treating her, not as a prisoner of war, but a malefactor. After carrying her about from gaol to gaol, they proceeded to try her for heresy and sorcery. The University of Paris, ever outstripping in obsequious flattery all the rest of Bedford's parasites, required that she should be delivered over to the spiritual arm, well aware that this was exactly the course most agreeable to the Regent. Then P. Cochon, Bishop of Beauvais, a mere tool of Philip, claimed to have jurisdiction in the cause, on the ground of her having been taken within his diocese. He accordingly was allowed to preside, and he was assisted by several other prelates, French and English, Cardinal Beaufort being at their head, and known as her most determined adversary. He was further suffered to consult the University on any question of casuistry that arose; it is needless to add, that the determination in all these cases was given against the unhappy prisoner. For sixteen days did this mockery of a trial last, during which she displayed the most wonderful acuteness as well as presence of mind; and

she was then condemned as a heretic, excommunicated, and delivered over to the secular arm. When the sentence was read on the scaffold, she interposed with an abjuration recanting her declaration of divine aid, and promising not again to commit the offences charged upon her. The execution of the capital part of the punishment was then suspended, and she was condemned to perpetual imprisonment, and to be fed on bread and water:—"The bread of woes," said the sentence, "and the water of anguish."

A part of her recantation was to abandon male attire, her principal offence having been the wearing that dress, "a thing abominable before God," says Henry VI. in his letter to the Duke of Burgundy. Cast into prison upon the remission of the capital punishment, she was suffering under all the weariness of solitude and inaction, so intolerable to one of her former habits; her armour was laid in her way, and the poor girl, unable to resist the temptation of indulging the tender recollections which that garb raised in her sad mind, was observed to put it on by the spies who lay in wait to pounce upon her. The door of her cell was thrown open; the keepers presented themselves; she could not deny the venial breach of promise; and it was at once resolved by her judges, acting under the advice of the University, to carry the whole of the sentence into execution. She was treated as a relapsed heretic, and preparations were immediately made for burning her alive. She was put to a lingering death in the square

opposite the church of St. Ouen at Rouen by this cruel punishment. The agony of her torments extorted from her a fresh recantation, her former one having been withdrawn. She expired 30 May, 1431. clasping the crucifix to her bosom, and invoking the Virgin instead of the saints on whom she had been wont to rely.[1]

The pious credulity of her countrymen supposed that many miracles attended her last hours. Her soul, in the form of a milk-white dove, was seen to rise from the funeral pile as she gave up the ghost. Among her ashes, cast into the Seine, her heart was found entire and unscathed by the fire. Subsequently, almost all her judges and prosecutors were affirmed to have died violent deaths; while constant prosperity accompanied her family and her townsfolks.

This is truly a painful passage of history, and the rather that so many persons are necessarily the objects of severe censure; for it must be confessed that a deep stain is left upon the memory of every party to the execrable proceeding. That Bedford should have suffered his feelings of revenge so far to master his sense of justice and his cooler judgment of what sound policy prescribed, as to condemn a French subject, never in allegiance to his sovereign, for an offence of which his judges and prelates could not by

[1] P. Daniel, vii. 93, 98. Mezer., ii. 17. Monstrel., tom. ii. fol. xlviii. liv. Henry VI.'s letter, above referred to, gives the English account of the whole proceeding. It is in Monstrelet, tom. ii. fol. liv.

possibility have any cognizance, seems hard to comprehend; but that a great captain should have treated as an offender, a prisoner of war, taken in open fight by the fortune of war, and over whom the fortune of that war alone gave him any power whatever, seems wholly inconceivable. For conduct which nothing can vindicate, his alarm at the impression made on his superstitious soldiery by a belief in her divine mission may perhaps account, though it cannot even soften the blame which every honourable mind at once pronounces upon it. If indeed, as some have asserted in his defence, he sacrificed her against his better judgment to the popular fury, then truly must his guilt be greatly aggravated in the eyes of all who have ever turned away, with indignant scorn, from the well-known spectacle of a judge washing his hands of the blame when he had suffered lesser criminals to perpetrate the offence.

But Charles can hardly be said to have shown himself less worthy of reprobation. He who owed to the Maid his crown, possibly his liberty or his life, made no effort to rescue her from destruction by ransom, none to save her by threatening reprisals on the English captains in his power. It does not appear that any, the least, pains were taken by this ungrateful Prince to avert or to stay her fate. When, twenty-five years after her murder, her family exerted themselves to obtain an examination of the case, with a view to reversing the judgment, he favoured their proceeding; and the See of Rome

pronounced sentence, relieving her memory from the imputation of heresy. But this was the extent of Charles's gratitude towards his illustrious deliverer. Whether it was that she had, during the operations which succeeded his coronation, shown less than her former determination, and been less fortunate in the fights she bore a part in, or that Charles became weary of hearing her praises, and impatient of each success being ascribed to her, or that the whispers of his jealous officers against her found too easy access to his ear, certain it is that, without the least struggle, he suffered a deed of atrocious injustice to be perpetrated, which a firm resistance must have prevented. At the height of his fortune, in great part the result of her services, he suffered her family to languish in penury, her mother supported by a weekly dole among the poor of Orleans. No sovereign ever owed a greater debt of gratitude to a subject than Charles owed to the Maid—no man ever proved himself more ungrateful to his benefactor.[1]

The hopes which the English, possibly the Regent himself, had indulged of a change in the fortune of the war upon the capture of the Maid, soon ended in disappointment. The loss to their adversaries proved far less considerable than they had dreaded. The enthusiasm on the one side, the panic on the other, had for some time been gradually subsiding, and giving place to more sober feelings upon which Charles could with greater confidence rely. Retain-

[1] Note LIX.

ing the devoted attachment of his own subjects, he saw Bedford's becoming daily more averse to the English ruler. The provinces occupied by his troops, even Paris itself, the centre of the Burgundian influence, seemed to awaken from the delusion under which they had so long laboured. The dupes of unprincipled intrigue and their own violence, to defeat a rival faction they had welcomed a foreign master, and they found the yoke of the conqueror as heavy as the disgrace of the subjection was galling. The necessities of the war made imposts unavoidable; those burthens, and the state of the country, laid waste by its operations, and especially by the merciless bands of freebooters, deserters and disbanded from the armies, were evils inseparable from long-continued hostilities, but these were caused by the invasion. Then the English took no pains to mitigate the pressure of such grievous injuries by the courtesy of their demeanour. Their rudeness, their harshness, their overbearing insolence, their sense of superiority ever obtruded and proclaimed as anxiously as by others it is suppressed or disguised, were universally and sorely felt. To the people over whom they held dominion, they were unbearable; but even by those with whom they were acting as allies, it might be as fellow-soldiers, they were scarcely more patiently endured. Nay so great was the hatred of them that it extended to the Scots, because they spoke the same language, and came from the same country, although engaged in making

war upon them for the deliverance of France from their yoke. A contemporary historian, the familiar friend of Charles,[1] assures us that the French, at the battle of Verneuil, beheld the entire destruction of their Scotch auxiliaries with such delight as consoled them for that great defeat; yet the Scots were the strength of the Armagnac army, and their commander was a Scot, who led them at Beaugé to the only victory they had ever gained against the English arms.

Bedford had long perceived the fatal effects of the feelings which thus generally prevailed, and which, far from yielding to the influence of time, became daily more intense, connected as they were with the people's real interests, which every hour's reflection showed had been sacrificed to personal and party animosity. In some places the inhabitants had risen upon his troops when detachments reduced their numbers; or the gates had been opened by stratagem, in concert with the forces of the enemy; or conspiracies had been discovered on the eve of accomplishing their purpose, and new plots been formed during the exemplary punishment of the detected parties. The disposition of the Parisians themselves had become as hostile as they ever were friendly before, and it seemed as if their ostentatious preference of the Burgundian was less to favour Philip

[1] Amelgard of Liège (Leodensis), Hist. de Rebus Gestis à Carolo VII. Francorum Rege, lib. ii. cap. 4, MS.; ap. Sismondi xiii. 36. M. Sismondi justly praises Amelgard, but omits the important fact of his intimacy with Charles, which the historian himself has stated in the beginning of his work.

than to mortify Bedford. His habitual disregard of all selfish considerations when the public service was concerned, had made him without a moment's hesitation consent to press the Regency upon his ally; but he is known to have felt acutely the University, the Parliament, and the citizens of Paris in concert pressing upon him a step which confined his high office to the province of Normandy, and made Philip governor of the realm. Nor can we doubt that he was equally chagrined at finding the whole proceedings against the Maid openly reprobated by the Bourguignon party, who extolled her valour, and even inclined to believe in her mission. The zealots of the English party alone took their side against her; and it was Bedford's lot not only to see that these were few, but to feel that the general indignation was just.

He now conceived that some benefit might result from performing the ceremony of the young King's coronation, he having been crowned at Westminster the year before, as Charles was at Rheims. But it was found impossible to hold the festival at that place, appointed by the ancient usages of the monarchy, as the intermediate country was partly in possession of the Armagnac forces. The conflict, too, of the rival parties under the Cardinal and Gloster prevented the obtaining of the needful supplies for so expensive an attempt. The ceremony was therefore performed at Paris; and its effects were the reverse of what had been expected.

1431.

The people felt mortified at the spectacle of their King crowned by a foreign prelate, his uncle, in a place where no such solemnity had ever before been witnessed, not a single Prince of the Blood present, the Duke of Burgundy himself declining to attend, with the concourse of hardly any nobles, and very few persons of distinction other than that derived from their rank in the English service. But the inhabitants of the capital felt still more the losses of their traders from the scanty attendance even of the classes accustomed to flock thither on great occasions, and the disappointment given to the hopes of the shopkeepers, the propensities of the multitude, and the vanity of all, by the extreme parsimony which governed all the arrangements. It was observed, too, that for the first time at a coronation no gifts were sent to the Hospital, no prisoners set free, no promise made of relief from general or local imposts. The grant to the University of exemption from taxes, only heightened the discontent of the community at large; and the privileges confirmed and even extended to the city by a Royal Ordinance only benefited the wealthier classes, while the distress of the poor was so great, that a second edict was issued to prevent uninhabited houses being sold for the purpose of using the beams, doors, and window frames as firewood.

Dec. 16, 1431.

The greater part of the discontent which was manifested, connected itself with the invasion, or with the disregard of the people's usages and habits, and

therefore with the subjection of the country to a foreign yoke; nor is there any attendant upon that calamity which is more certainly calculated to make its pressure be severely felt. The Ordinance did not in all probability lessen the general dissatisfaction by the studied phrases in which the King extolled the city of Paris, thanked the inhabitants for maintaining their loyalty and affection to his person amidst all their sufferings from the war, and declared his intention to treat his good town of Paris as Alexander had Corinth, and the emperors Rome, by making it his principal residence.

It is probable that this document was prepared on his entrance, when he had been well received, and when the arrival of the nobles and other dignitaries was expected. Certainly the intention thus expressed appeared so little to be seriously entertained, that he quitted Paris almost immediately, and returned to Rouen, his residence during twelve months.

Dec. 2, 1431.

There can be no doubt that Bedford now regarded the prospect of retaining the footing he then had as not only uncertain but gloomy, of extending it over the rest of the country as desperate. He seems to have wisely determined that all his efforts should be confined to maintaining the possession of Normandy, in the hope of its being confirmed to England at a general peace. Beside establishing the court at Rouen, he founded a college at Caen, which afterwards became one of the greatest universities of France. But he

took far more effectual means of strengthening English influence in the Duchy. The complaints so loudly and so justly made of the want of protection to life and property in the other provinces, where the troops were never employed against the bands of freebooters, and often found joining in their devastations, did not extend to Normandy. There all means were used to repress violence, and make the peaceable inhabitants secure. Trade was encouraged by the enforcement of the late King's excellent edict forbidding the levy of toll, or anything under pretence of toll, by public functionaries, upon goods carried from place to place. A determination to enforce the laws was shown in all the departments of the administration; and the college, which has been mentioned as founded by Bedford, had for its object the teaching of civil and canon law, for which purpose it was judiciously made independent of the University of Paris.

The view of his position in France which suggested this course was not by any means too desponding. His only remaining chance of success depended upon the continuance of the Burgundian alliance, the commencement of which had alone made the conquest a possible event. But the course of submitting to England, pursued under the influence of the Bourguignon party, was not more unnatural in the French than in Philip, though it wanted the excuse of his resentment against the authors of his father's death. Nor was the union of the two crowns in the English

monarch more contrary to the interests of France (and of England too) than to those of a Burgundian prince, who must have lost even the shadow of independence in the neighbourhood of a monarchy so enormously extended. The personal feelings under which he had so long acted, and which the quarrel with Gloster had weakened, began to give way before the sense of what his own safety and that of his dominions required. Charles spared no pains to court him in every way, and particularly to soothe those feelings. Acknowledgments, apologies, expressions of deep concern, protestations of innocence, affirmations of his powerless condition at a tender age in the hands of others, promises of pursuit and vengeance against the guilty, as well as pious foundations for the victim —these were the assurances unsparingly made to the son, while the prince was to be won over by lavish offers of release from feudal subjection and the cession of considerable territories. Against the influence thus exerted Bedford's only hold was in the honourable feelings of Philip, and the relationship of brother-in-law through the Duchess Anne. Those ties, with the offer of the Regency two years before, had prevailed over the attempts of Charles in the negotiations at Compiègne. But this intercourse had since the coronation been renewed; it had ended in a two years' truce; and there immediately followed the significant absence of Philip from that solemnity. He had, however, very fairly given such previous indications as left no doubt

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of his determination to retire from the war. He had sent a formal remonstrance both to the Council in London and to the Court at Rouen, the burthen of his complaint being the inadequate exertions of England, which threw upon him the whole weight of the contest. It was well known that his subjects had always disapproved of the alliance, and that his nobles and States had refused their oaths to the Treaty of Troyes. The position in which he found himself between his interest, according with his duty to his people, on the one hand, and his feelings of honour towards Bedford on the other, was the source of great pain to a man whose nature had gained for him the appellation of "*The Kind;*" and he is said to have exclaimed immediately before the remonstrance, on receiving the tidings of his infant son's death, "Would to Heaven it were my own; I should deem it a blessing!"—These details respecting the approach of the Burgundian alliance to its close are of great importance both for their bearing upon the judgment which we may pronounce on Bedford's conduct, and for the evidence which they afford that the failure of the invasion was not accidental, but inevitable.

During these two years nothing of any moment occurred in the field. Some places of little account were taken on either side; but the allies suffered much more in being forced to raise the siege of Compiègne than they gained by any other advantage. The truce did not prevent the Burgundian troops from occasionally acting with Bedford under the cover

of the operation being his and not theirs, the object of the soldiers in both armies being indeed the same, rather to plunder the country than press the objects of the war, which was carried on with diminished spirit and little success. In the following year Chartres was taken by surprise. A friar, the favourite preacher of the place, had in league with the Armagnacs collected all the inhabitants and most of the soldiers at a great display of his gifts, while a body of Charles's troops contrived to enter in the disguise of waggoners conveying goods to the traders of the town, who also favoured the King's party. Some time after the allies were compelled to raise the siege of Lagny, before which they had lain for three months. But an event soon followed which put an end to all hope of the alliance continuing even in name or in form. The Duchess of Bedford died after a short illness, and the influence which alone had of late maintained it was at an end. Within six months the Duke married again; and the object of his choice was Jacquetta of Luxembourg, daughter of Count de St. Pol, and niece of Therouanne, Bedford's Chancellor of France —a match which Philip represented as giving him great displeasure, both because he had not been consulted, and because, St. Pol being his vassal, his consent ought to have been asked. Bedford has been generally blamed for this step, as if it had put an end to the alliance by causing the estrangement of his brother-in-law; but it seems certain that it only at

April 20, 1432.

Aug. 10, 1432.

most gave Philip a pretext for the course he had resolved to pursue more openly, now that the last link which bound him was broken by his sister's death. That Bedford should have sacrificed great public interests to his personal views or feelings is a supposition repugnant to the whole course of his life; and if he may be thought to have shown too little respect towards his ally in the manner of his proceeding, surely we are far too ill-informed of all its details to pronounce an opinion upon such a point. The Burgundian plainly availed himself of the breach of feudal etiquette to make out a case of grievance; for as to the second marriage being contracted so soon after the first wife's decease, in the families of princes, especially in those times, such matches were far from being uncommon. The fact undoubtedly is that the alliance had long come to its natural close. Formed originally in direct opposition to the public duty of one party, and to his own true interests, it had been continued by the influence of personal feelings; when those feelings no longer acted, there was an end of the connexion, and of the accident which alone had ever given a chance of success to the English invasion.

The operations of the war seemed now to have terminated with the virtual dissolution of the alliance; and as Charles could gain little by a renewal of his negotiation with Philip, nothing was done for some time towards a formal and final settlement, which, it was believed, might include England as well as Burgundy. But after some discussions at Nevers,

which, together with the courtesy shown by Philip in several movements of his troops, showed that the difficulties on his part would be easily surmounted, a general congress, under the mediation of the Pope, Eugenius IV., who had expressed the greatest anxiety for restoring the peace of Christendom, was appointed to be held at Arras in the ensuing autumn. A few months before it assembled Bedford had made a short stay at Paris, and found proofs of the increased animosity towards the English which pervaded all ranks and each party now that the estrangement of the Burgundian was known. The war languished meanwhile. Some inconsiderable actions only were fought; and chiefly against the freebooter bands. These were a collection of the scum of all nations, but principally French and English from the armies, embodied under captains of courage and skill; they were known by the name, in which they gloried, of *Ecorcheurs* or flayers, as, after wasting the country by their pillage, they tortured the inhabitants to obtain ransom or the disclosure of their effects, or murdered them in brutal revenge when they found that all had been swept away by other hordes. Oftentimes in such force as to undertake extensive operations, they seized whole villages, and even drove the people from open towns to take refuge in fortified places. In one of these expeditions the English were worsted with the loss of Arundel, eminent among their best generals, and other distinguished officers. The capital itself nar-

1434.

rowly escaped being sacked by a formidable body of those ferocious wretches, who were driven to desperation by the dread of the approaching negotiations putting an end with the war to their execrable trade.[1]

Whether from declining health, or from despair of bringing to a successful conclusion the great affairs committed to his charge, certain it is that Bedford no longer displayed the same energy—at least in his proceedings he did not show the same activity—which had marked the former periods of his life. But he remained at Rouen, repairing occasionally to Paris when any pressing exigency demanded his presence; and he left the administration of the English government to the Council, which was divided and paralysed by the conflict of the parties under the Cardinal and Gloster. The King himself, only in his thirteenth year, was in the 1434. hands of whichever of the two for the time obtained the ascendant. Yet his character had already begun to unfold itself, so that a fair estimate might without difficulty be formed both of his capacity and his dispositions; and already he evinced some desire, on certain matters at least, to share in the deliberations of the government. Possessed of very moderate abilities, rendered still more slender by a morbid indolence which disinclined him alike to cultivate and to exert them, he was wholly without firmness and resolution whether on great or on trifling occasions; and he thus seemed fashioned to be the tool

[1] Note LXVII.—Ol. de la Marche, liv. i. ch. 4.

of whatever designing persons might surround him, or the sport of the caprices of those who had no designs to compass. But his nature was eminently kind and gentle, as it was invariably honest and open; his abhorrence of violence and fraud was alike strong, and so habitual that it seemed constitutional; his piety was unobtrusive, but exemplary even in a religious age; his amiable disposition was testified in constant benevolence and kindness, the only virtues which in this world receive their full reward, by the love they inspire and the gratification they impart; while his manners, if not brilliant like his uncle's, or graceful like his father's, were uniformly mild and inoffensive, and won for him the affections of all who approached his person, as much as Charles's showy accomplishments with his condescension and good humour commanded admiration and esteem. It was, indeed, rather with Charles's father that men were led to compare him than to contrast him with Charles himself, from marking the similar fate which attended the two unhappy monarchs, of their reason being clouded over at various periods of their disastrous reigns. But although pity for the French prince's misfortunes continued his place in the public favour, after the recollection had passed away of the affable deportment and splendid figure which once made him popular, there was even in the form of the English sovereign's malady a gentleness, a patient submission, an entire harmlessness in thought, and word, and act, that formed a mighty contrast to the murderous fury

with which Charles's original seizure had been signalised, and which occasionally recurred until his imbecility was confirmed.

Henry's mother, Catherine of France, had a short time after his father's death married a subject, Owen Tudor, and the care of the infant's person had very properly been transferred first to the Lady Boteler, and then to the Earl of Warwick: he complained of flatterers having in the young king's eleventh year instilled into his mind notions of his rank and station inconsistent with a due submission to the tutor's authority, and required from the Council a power of naming all the household, and preventing access of others to his royal pupil. The request was complied with. But flatterers can no more be excluded from the palace by closing its doors than any other pestilence engendered by corruption within its walls: they again found their way to Henry, and in his fourteenth year he repeated his claim of being allowed to attend the meetings of his Council. They answered, that "although God had endowed him with as great an understanding as they had ever seen in any prince or in any person of his years," yet that it was safer for both himself and the kingdom that he should be wholly guided either by the Parliament or by themselves.[1] It was a striking and an affecting circumstance, showing the amiable nature of Henry, that he mainly desired to interfere

1425.

1428.

1434.

[1] Rot. Parl., iv. 438.

in mitigation of the punishments inflicted by the law; and when some years after he renewed his claim, the Council satisfied him by a resolution that he should exercise the power of pardoning and of collating to benefices. He was also to decide when the Council happened to differ, and did not come to a determination by a majority of more than two-thirds.

1437.

The divisions under the factious conflicts between the Cardinal and Gloster would have sufficed to ruin all chance of retaining the French conquests, if that had not been already desperate, independently of English affairs: for, instead of the unity and vigour which the conduct of such a war peculiarly required, the Council wavered continually between the two parties, the Cardinal's being wisely bent upon peace at any reasonable price, the Duke's upon continuing the war at all hazards; and though in general Beaufort, while he could attend in person, had the advantage, from his prudence, his long-sighted sagacity, his command of temper, and his thorough knowledge of men as well as his long experience in dealing with them, he was yet obliged more than once to absent himself from England when the clamours against him, from accidental circumstances, aided the violence of his nephew, who on other occasions also obtained a temporary ascendancy. So that whether the war should be prosecuted with vigour or suffered to languish depended less upon the wise counsels and fixed determination of the Regent, who was carrying it on, than

upon the balance of parties and the accidents that might from day to day vary it, among those who, in his unavoidable absence, had the government in their hands. But the fate of the war had been virtually decided with the termination of the Burgundian alliance, of which so many circumstances indicated the approach, even before his Duchess's death, and of which that event, and the fixing of negotiations for a general peace, left no longer any possible doubt. Upon these negotiations all men's hopes rested; they were the object of intense anxiety in every part of Europe, long since worn out by the cruelties and devastations of the war, and now weary of a contest of which the mischiefs remained, while the interest had died away as its active operations ceased.

At length the Congress met. It was attended by the ambassadors of the Emperor Sigismund, the Kings of Arragon, Castile, Navarre, Portugal, Denmark, Poland, Sicily, Naples, the Dukes of Milan and Brittany, and four Legates from the Pope, the mediating power. Philip appeared in person, attended by many of his nobles and knights. The English Embassy was composed of 200 Lords and Knights under the Archbishop of York and Earl of Suffolk; it was afterwards joined by the Cardinal himself. The Regent remained at Rouen, confined to his bed by severe illness, and appears to have taken no part in any of the proceedings. The Embassy from Charles consisted of above 400 persons, some of high rank, with the Constable Bourbon

Aug. 5, 1435.

at their head. There were brought together from all parts upwards of 10,000 strangers, and more than 500 personages of dignity and importance.

Philip had frankly apprised the English Council of the previous negotiations at Nevers, adding that the Pope had released him from the oath which fifteen years before he had taken to abide by the Treaty of Troyes. Henry had upon this intimation addressed his inquiries to Rome, and received for answer that no dispensation from any lawful obligation was ever given; an answer which seemed to leave no doubt of the Burgundian's assertion being correct.

Interrupted only by the tournaments and other festivities which in that age attended all gatherings of the people for what purpose soever, the negotiations lasted seven weeks. The offers made by Charles to the English were such as in the posture of their affairs they had no right to expect—the cession in perpetuity of both Normandy and Aquitaine, as well as Calais; and this was refused. The Cardinal and his colleagues, having before their eyes the dread of the war party in the Council and in the country, headed by Gloster, would listen to nothing but the *uti possidetis*, which would have left England in possession of Paris and the Isle de France. But they also objected to a peace, and proposed a long truce, and the marriage of Henry to a daughter of Charles, as if to insult the French with the recollection of the ruin and the dishonour which had accompanied the last

nuptials in the royal house. These propositions were indignantly rejected; and the Embassy left Arras some weeks before the Congress broke up.

Every one plainly perceived that the English were the cause of the negotiation failing; and as their whole conduct from the beginning of the invasion had been universally disapproved, the reprobation that fell upon them was now mightily increased. The Burgundian, on the other hand, won general favour. His unfeigned reluctance to break with his ally by a final separation, could with great difficulty be overcome by the pressing entreaties of the mediators, and the other ambassadors. He still had scruples respecting his oath; and various doctors, Roman, French, and English, learned in the civil and canon law and skilled in casuistry, were consulted by him, most of whom declared that he was not bound. But he was apprehensive that the Papal dispensation, which the Legates had plenary powers to renew in the amplest form, might not satisfy the exigencies of his duty as a knight; and though the French and Roman doctors gave a clear opinion that he was released, those of England held him still bound. While he remained in a state of hesitation, his doubts were ended by the intelligence arriving that Bedford had breathed his last; and on the 21st of September he signed the Treaty, considering the last tie which bound him to England against his duty towards himself and his own people as severed by his brother-in-law's decease, and soothing his irritation

Sept. 14, 1435.

with the fancy that his promise bore some personal relation to Henry and Bedford, both no more. The terms which he had obtained were in all respects advantageous to him, and somewhat humiliating to France. Charles, beside pronouncing a solemn censure upon the murder of Jean-sans-Peur, offering an ample apology for himself as of tender years and under the control of others, binding himself to pursue with the utmost rigour those whom Philip might charge with the offence,[1] and engaging to found convents and chapels, with daily mass and requiem for the deceased's soul, ceded in perpetuity the counties of Macon, Auxerre, Péronne, and other places, with all the towns of the Somme, Tournay excepted; and freed the Duke and his states from all feudal homage and services.

The peace of Arras diffused the greatest joy over the whole of France, and caused the utmost discontent in England. The price was heavy at which Charles had most wisely purchased the inestimable advantages of immediately confining the operations of the war to his English enemies, and ultimately driving them from the country. But all parties, Bourguignons as well as Armagnacs, and the people still under the nominal dominion of England, as well as those under his own, cheerfully agreed to the terms by which he had obtained a fair prospect of terminating miseries that equally affected all. The English, removed from the scenes of the war, and who had

[1] He immediately named Tanneguy, Louvet, and two others.—Ol. de la Marche, liv. i. ch. 3.

never suffered or even witnessed its calamities, regarded the loss of the Burgundian alliance, and that of their French conquests, certain in itself, and probable to all appearance, as prejudicial both to their interests and their honour. The envoy whom Philip sent to announce his signature of the treaty was slighted by the Council, refused an audience of the King, and only saved by the military from the vengeance of the multitude, who rose upon the Flemings and other foreigners in London, maltreating all they could find, and even putting some to death. It must be confessed that a more disreputable passage is not to be found in the history of any nation than the conduct alike selfish and foolish of our countrymen on this occasion. Alone of all mankind, they and the Robber-bands were indignant at the Burgundian for having given peace to his own subjects, placed the same blessing within the reach of England, and left France free to shake off a foreign yoke imposed by the accident which had converted a predatory incursion into a conquest. Surely, if any people are bound by every obligation of principle and of feeling to be the unflinching advocates of peace, it is they who, placed by happy accident at a safe distance from the scenes of war, can only know the worst of its countless horrors, its intolerable miseries, in the song of the poet whom they do not believe, or the page of the historian whom they do not heed.[1] But

[1] The contemporary writer already referred to (Amelgard, lib. ii. cap. 1) affirms that the whole country, naturally of extreme fertility,

the short-sighted folly of the nation was as signal as their want of right feeling. The most advantageous offers had been rejected by their representatives at the Congress, because, though the head of the embassy was also the chief of the peace party, he manifestly did not venture to accept terms against which the clamour at home would have enabled his unreflecting and impetuous rival to work his immediate destruction. Thus the last chance of retaining any portion of the conquests so dearly bought and so fondly cherished was thrown away, and the multitude, utterly and necessarily ignorant of the whole subject, as well its details as its principles, upon which they undertook to pronounce a judgment, carried their own sentence into execution, as they fancied, against their ally—in reality, against themselves.[1]

On the restoration of peace the Burgundian was treated by Charles with the greatest cordiality, and he desired to remain on amicable terms with England also. But the party of Gloster had obtained the mastery; they rejected his friendly offer of mediation with Charles, and were resolved that the alliance, the dissolution of which had so enraged them, should be succeeded not by neutrality, but by war. The

from the Somme to the German frontier, a distance of 200 miles, was converted into a perfectly uncultivated desert, covered with thorns and brush-wood, and in some places thick forests, without a single inhabitant remaining in many districts. In other parts of France the natives had been driven into the woods for shelter from the armies and their overflowings, the Bands, when the fortified towns were so encumbered with refugees from the country that they could admit no more.

[1] Note LXIII.

Flemish vessels were stopped on the high seas, and rifled; the malcontents in Philip's towns were excited to sedition and revolt; the Emperor was urged to declare against him; and a plot to seize one of his principal fortresses by stratagem was accompanied with an open attack upon a small body of his forces near the Flemish frontier. These senseless proceedings, which only served to display ill humour, drove him to hostilities. He marched an army to besiege Calais, and though he was obliged to retire in consequence of a mutiny among his troops, his movement compelled Gloster to hasten with a large force to its relief. But he had also June, 1436. at the commencement of hostilities sent considerable reinforcements to Charles, who was thus enabled to carry on his operations more effectually in the Isle de France.

To succeed Bedford in the Regency, Gloster's party, which was then preponderant, had appointed Richard, Duke of York, son of the Earl of Cambridge, executed for the conspiracy against Henry V. at the beginning of his reign, and now representative of the elder branch of the royal family, whom the Lancastrian usurpation had set aside—a prince of no mean capacity, distinguished for his bravery, but of an irresolute and feeble character; indiscreet, fickle, and obstinate by turns, so that his errors were by the French ascribed to haughtiness and presumption, while in England they passed for the result of openness and good humour; wholly devoid of the pru-

dence and wary circumspection which, joined to his singular firmness, had enabled his predecessor to maintain a hold over the conquered country when surrounded by such complicated difficulties. While the distracted councils of the English Regency, and the official forms in completing his appointment, detained him above half a year from his government, he committed the great indiscretion of removing the Chancellor Therouanne to make way for an English favourite, and thus alienated the House of Luxembourg at a time when the loss of all other support made its countenance of peculiar importance; but the popular party, which had clamoured for war with the Burgundian, in all probability regarded this breach with Luxembourg as equally politic.

Long before Richard arrived at Rouen, Paris had fallen. Though Willoughby, the Commandant in the Regent's absence, had carefully kept from the people all information of the proceedings at Arras, by degrees the defection of Philip became known; and there was at once an end of all hope that any part of the Parisians would longer endure the English authorities. Their troops were few, and recourse was had to the most violent measures in order to supply by means of terror their want of numbers. For a short time the discontent was thus prevented from breaking out in open revolt; but, as Willoughby's forces diminished, the exasperation of the people increased under the cruelties hourly exercised, and gave them courage to assemble, especially in those

parts of the town where the Burgundian party had the greatest hold. They conveyed information to Charles's lieutenants, held a communication with them which led to the assurance of a general amnesty, and opened one of the gates, through which a sufficient force was admitted to drive the English from every part of the town. The greater number of Charles's troops were of the Robber-bands (the écorcheurs), and the Constable had no little difficulty to prevent them from sacking the place, which, on hearing the bells announce its surrender, they regarded as an operation that followed of course. Willoughby and his army retreated into the Bastille to negotiate for terms; and they capitulated on condition of being suffered to retire unmolested. They embarked for Rouen with some few of the inhabitants who chose to accompany them, in distrust of the promised pardon. They were followed by the insults and execrations of all the rest, being marched round to pass through a gate opening upon the fields, in order to avoid the violence of the people. They took refuge in the Duchy; they had no French subjects in connexion with them, save some few who apprehended that their conduct during the occupation made it dangerous to remain under the power of Charles's officers. And thus the English possessions in France extended but little beyond what the terms offered at Arras would have secured—Normandy, Guienne, and Calais.

The surrender of the capital with the entire con-

sent, and, indeed, the active co-operation of the inhabitants, and the general restoration to Charles of his people's affections in the provinces of which the English yet retained possession, may be deemed the virtual as it was the natural termination of the conquest. The war still languished for many years, and the invaders were not driven from the country; first, because of those indolent habits which Charles had not yet shaken off; and afterwards because of the necessity under which he found himself of bending all his efforts to establish peace and order in the country, and extirpate the freebooters who laid it waste. But the probability is, that he felt less inclined to make a final arrangement with the English than he had done at Arras, the capital being now in his hands, and his adversary having no longer in his service or his alliance any French subjects, save a few of no importance and desperate fortunes. He perceived, on the other hand, in the English, once so averse to peace, a sudden and vehement desire for it, produced by the loss of Paris, and retreat into Normandy—a change very usual in the popular feeling, sometimes termed opinion, which is apt first to drive the country into hostilities against its best interests, and soon to force a negotiation when, perhaps, the war ought to be continued for the interests well understood of peace itself.[1] But he must have plainly seen that unless he agreed to leave them the Duchies, no accommodation was yet possible; whereas, by a little delay until he should

[1] See Note LXIII.

have succeeded in restoring order and quiet in his dominions, and acquired the important advantage of a regular army, a continuance of the English power in those two provinces would become impossible, and he might gain the benefit of peace without any concessions.

The war, however, continued to be carried on, though with great languor, and confined almost entirely to those districts; it was carried on, too, with various success. Nearly the whole of Normandy was overrun by Charles's forces, every town but Caudebec being at one time in their possession; but all were without any exception retaken, and the hostilities on both sides seemed reduced to predatory incursions. Similar occurrences on a smaller scale took place in Guienne. But for about fifteen years after they had abandoned Paris, the English had possession both of the northern and the southern province.

When the issue of the conquest was in suspense, the progress of the invader's arms, and the measures taken to oppose him, became interesting, even in their more minute details. To recount the alternate capture and loss of towns when the fate of the war had been substantially decided, would be at once wearisome and useless. Great valour and conduct were displayed on many occasions, and the renown is still fresh in men's recollection of Talbot, who maintained his rank as the first of English captains in that day, and kept the field when past his eightieth year. Possibly, greater exertions made on the part of England, had the councils been less distracted by

faction, and latterly by the commencement of the civil war between the Two Roses, might have warded off, for a few years longer, the blow which Charles's great improvements in his system of internal administration had prepared. If it be so, this cannot be set down as among the mischiefs produced by those civil broils; for, assuredly, all the expense of blood and of treasure occasioned by such exertions would have been absolutely thrown away.

The entire reconquest of Normandy was effected, with scarcely any reverse during its progress, in about a year; that of Guienne in another, with the exception of the Bordeaux district; and two years later Bordeaux was also taken. Of all the possessions upon which so much had been squandered of wealth and life, and the more important part of which had been for three centuries vested in the Crown of England, none remained save only the town of Calais—a consummation over which reflecting persons, be they philanthropists, or statesmen, or philosophers, can certainly in no wise mourn.

1450. 1451. 1453.

The improvements in the manner of administering the constitution, rather than any change in its structure, produced by the infirm title of the Lancaster Princes, and especially in the reign of Henry V., have been already adverted to. The most important of these were the constant reliance upon Parliament

alone for supplies, and the practice of consulting it on other matters, even those more immediately connected with the prerogatives of the Crown. In both particulars the succeeding reign confirmed and extended the usage: Parliament was more frequently appealed to, and upon subjects more directly touching the rights of the Sovereign. This arose from the long minority of Henry VI., his feeble character, and occasional incapacity, the constant dissensions of the Princes, whose influence was not very unequally balanced, and the embarrassment produced by the Regent's necessary absence from the realm. All these circumstances ensured a considerable accession of importance to the two estates which were under no disability and had no difficulties to struggle against.

The appeal to Parliament, however, was not always made in the same manner, or rather it was sometimes made to the body at large, and sometimes only to the Lords. But a distinction seems to have been taken between matters on which the latter, from their functions of judges and counsellors, might seem the appropriate advisers; and matters which affected the rights, the liberties, and the property of the community. Thus when Beaufort and Gloster quarrelled personally, and the nephew preferred charges against the uncle, the Lords, upon the parties consenting to have their dispute settled by arbitration, appointed certain prelates and peers to be the referees, who directed their award to be entered on the

Rolls of Parliament.[1] On this occasion the Commons were not consulted; but the Lords of the Council having reproved Gloster for his foolish and mischievous proceedings in Hainault, the Commons took part with their favourite in the next Parliament, and added to their grant of supply a request that his Duchess might be assisted in such a manner as to maintain the connection between her dominions and England—a proposal as hurtful in its tendency to the public interest, and as much the result of ignorance, as the vehement zeal of the same body on behalf of the Palatine in the reign of James I.[2]

The settlement of the Regency, however, was the most important matter submitted to the Parliament; and though it was at first discussed by the Lords alone, with the assistance of the judges, it afterwards became the subject of statutory provision, the "assent" of the Commons being set forth as well as the "assent and advice" of the Lords. The nomination of the Council was made by them, but with the same assent. The proclamation which, under the necessity of the case, they had issued to assemble the Parliament, was sanctioned, and the session rendered valid, by an act as soon as it met; and that act was made in the name of all the three estates, the King nominally, he being a year old, the Lords and Commons really. The powers of the Protector were in like manner conferred by statute. The whole proceeding may justly be termed Parliamentary, and

[1] Rot. Par. iv. 296.

[2] Rot. Par. iv. 319; Note LXIII.

cannot be deprived of that title by the circumstance that by far the greater share in it belonged most probably to the Lords. It was far otherwise when they in the reign of Richard II., without any consent of the Commons, and without in any way taking notice of them, appointed a Council of Regency, and settled its powers during the King's minority.[1] In like manner, when Henry VI. laboured under illness and incapacity, the Lords, without any interference of the Commons, took upon themselves even the settlement, indeed the change, of the succession to the Crown; but the civil war had then broken out, and no conclusion can be drawn from such proceedings as to the form or the practice of the constitution at that time. It is, however, to be observed that though some of the precedents from this reign have been occasionally cited, without due discrimination, as authorities upon the great question of a Regency which has arisen twice of late years, yet there is no reason to deny the weight of the first proceedings taken in consequence of Henry's minority.[2]

Though the accidents which have been referred to, joined with the infirmity of the Lancastrian title, encouraged and enabled both the Lords and the Commons to encroach upon the prerogative, and though the utmost gratitude is due to them for the steadiness with which they persisted in establishing their legislative rights, and their title to interfere in the administration of public affairs, yet we must not

[1] Rot. Par. iii. 3. [2] Notes LV., LXIV.

shut our eyes to the faults and the crimes which they committed in the use of the power that they acquired. Their conduct towards individuals and parties was almost always profligate and unjust in the greatest possible degree, and their submission to the tyranny of those who for the time had the mastery was uniform and shameful. During all Henry VI.'s reign, all Edward IV.'s, and Richard III.'s, down to the accession of Henry VII., they blindly obeyed the dictates of the faction that had the upper hand, the Prince whose success in the field had defeated his competitors. The history of those proceedings is a succession of contrary decisions on the same questions, conflicting laws on the same title, attainders and reversals, consigning one day all the adherents of a party to confiscation and the scaffold, reinstating them the next and placing their adversaries in the same cruel predicament. The reign of Richard II. did not present a more disgraceful picture of this kind, though the proceedings of Parliament were in a less fixed and regular course, and the prerogative of the Crown was more uncontrolled.

'It is not correct to state, as some writers have done, that the privilege of Parliament was in any material respect confirmed or extended in Henry VI.'s reign.[1] But a very important change was made in the election law, indeed in the constitution of the House of Commons, soon after his accession, by the restriction of the elective franchise in counties. The

[1] Note LII.

original structure both of the Parliament and of the constituent body is involved in great obscurity. But there is every reason to suppose that the knights of the shire were the representatives or delegates of the lesser barons, the less considerable tenants *in capite* of the Crown, when these had ceased to sit in person, and that afterwards the rear vassals, or those holding of mesne lords, were considered as standing in the same predicament, and had the right of choosing the representatives. It is at least certain that this franchise was enjoyed without any regard to the extent or value of the freehold, the subject of the tenure. Consequently, when the division of property multiplied those holdings, the number of electors was exceedingly increased. It was to prevent the disorders consequent upon the crowds which attended the county courts at the election of knights, that the restraining law in the eighth year of Henry's reign was passed. The preamble plainly shows that a seat in Parliament had already become an object of ambition; for it sets forth the danger to the public peace from "excessive numbers," and "riots and divisions among the gentlemen and other people," and the remedy affirmed to be necessary is preventing all from voting who have not forty shillings a year, clear of all charges, from their freehold, equal to above twenty pounds at the present day. Important regulations were added to control the returning officer, and the residence of the voter was required—a salutary condition, and which has long since been dispensed with. It would be wrong

to deprive of their vote all who do not reside where their property lies; but it is quite as wrong to give votes to the same individual in a great number of counties: each should choose his district, and there alone give his vote.

The marriages of Catherine, the King's mother, and Jaquette, Bedford's widow, gave rise, the former to an act of Parliament, the latter to a proceeding under the feudal law. Owen Tudor having been twice arrested for marrying the Queen Dowager, and escaped, no further steps were taken against him for what was then only the offence, punishable by fine and imprisonment, of marrying a tenant of the Crown without royal licence. But the act made it punishable with forfeiture of lands and goods. Woodville, who married the Duchess of Bedford, was fined for the feudal misdemeanour. Henry's wonted kindness of disposition was shown in his treatment of Catherine's sons, whom he always acknowledged as brothers. One became a priest; but on the other two he conferred earldoms; and his nephew, heir to that of Richmond, afterwards became King of England under the name of Henry the Seventh.

The Regency which was occasioned in France by the illness of Charles VI., and by the death of Henry V., was in England first occasioned by his decease and afterwards by the illness of his son; but before this could affect the Government of France, his reign had ceased over that kingdom.

It appears from the Ordinances made at different times that in France, as in England, the law has never fixed generally in what manner the defect of the Royal authority is to be supplied. The King frequently provided for the expected event of a minority after his decease, by declaring at what age the majority of his successor should commence, and by whom the Royal authority should be in the mean time exercised. But little regard was paid to such Ordinances: the Princes of full age took possession of the Government, agreeing among themselves as to the distribution of its powers; or some one of more capacity and more influence than the rest engrossed the whole to himself. When the reigning Sovereign was disabled by absence or sickness, the heir apparent either took upon himself the Government, or was, if young and inexperienced, controlled by one or more of the Princes. Sometimes recourse was had to the States General or to the Parliament of Paris for their sanction both in the case of disputed succession to the Regency, and in that of the heir apparent claiming it. Sometimes every thing was transacted without any such appeal. In England, no rule had been laid down either by the declaration of the Sovereign's pleasure in the particular case, or by an Act of Parliament to settle the course of proceeding generally. The proceeding in Henry VI.'s time formed, as we have seen, the precedent most relied on in all the discussions to which the King's illness in 1788 gave rise.[1]

[1] Note LXIV.

The last Ordinances on the subject before Henry V.'s invasion were those of Charles VI. in 1403 and 1407, the latter having been registered by the Parliament after a hot dispute. The King is thereby declared to be of full age, whatever years he may have attained on the King's decease; but if an infant, then the Government is to be carried on in his name by the Queen-mother, with the concurrence of the Princes of the Blood, and of a Council who are to have the whole authority in the event of her death or incapacity. These Ordinances were entirely the work of the Queen and Orleans: that of 1403 was made while the King had a lucid interval, by a Council of the Princes and officers of State; that of 1407 was made by the Queen, with the consent of the Parliament, while the King was in confinement. All the sons were at both periods infants of a few years old. This arrangement, however, was never acted upon. The custody of the King's person, and the power of governing in his name, were assumed by the chiefs of whichever of the two factions had the preponderance for the time. At length the Queen, having quarrelled with the Dauphin Charles, threw herself into the hands of the Burgundian; and, on his death, continued her hostility to her son, siding with the Burgundian's successor. By the Treaty of Troyes, which the States General ratified, Henry V. was declared Regent on Charles VI.'s decease; but during the remaining part of that unhappy Prince's reign he exercised the Royal au-

1420.

thority in his name, under the title of Regent. The King survived him only a few weeks. 1422.
Meanwhile, Charles, the son, assumed the Regency, and the Parliament of Toulouse registered his Letters proclaiming it. He sets forth Oct. 2, 1420.
in these his title as heir apparent, and as alone having the right to exercise the Royal authority in respect of the "well known incapacity" of his father. Upon the death of the latter, he succeeded of course to the Crown; but in his embarrassing situation he judged it prudent to obtain the recognition even of that clear right from the States at 1423.
Bourges. Bedford, on the other hand, rested upon the former recognition, by the States, of the Treaty of Troyes, and upon Henry's gift of the Regency, which he advised him to offer the Duke of Burgundy, and which he had refused. Nothing further passed upon the subject during the continuance of the Lancastrian dynasty in France; and no objection appears to have been raised against Henry's exercising the power on his death-bed to appoint a Regent, although it may be observed that he was then only heir apparent, and under the Treaty, or Law of the Monarchy (as it had been made by the States), he had no power whatever to name a Regent.[1]

The infirm title of the Lancaster princes proved highly advantageous to the parliamentary constitution

[1] Note LXXII.

of England, but their reign in France was not attended with such important results to the government of that state. Their power was founded upon their military possession; they held only a part, though the greater part of the kingdom, which was distracted by civil war and in the occupation of rival sovereigns; and the popular assemblies had not acquired, in any portion of the country, the same form and consistency which they had for ages been gradually but steadily attaining in England. Those assemblies existed at every period of the French monarchy, but imperfectly, irregularly, with many alternations of power and weakness, never extinguished, though their action was often changed, often suspended. These bodies were—the Parliament, which had become judicial in its ordinary functions, but with some claims to an indirect political interference by remonstrance, some weight from being occasionally consulted in great emergencies;—and the States-General, which had no defined office, nor any recognised privileges, above all, had no appointed periods of meeting, but were convoked in seasons of public embarrassment rather to help by their connexion with the country when the treasury wanted money, or the army men, than to assist with their advice. The fundamental maxims of the feudal polity, and which had prevailed in France long before the formal and complete introduction of the system, that the community should share in the administration of justice, and in granting the sovereign whatever aids he re-

quired beyond the services incident to the vassal's tenure, had enabled the people of England,[1] taking advantage of the Crown's necessities, gradually to establish their mixed government: But a most imperfect form of it alone remained in France, although the principles never were lost sight of; and some progress had been made in improving both the judicial and the legislative systems during the two centuries that preceded the times of which we treat.[2] The great difficulties which the English invasion created to the French government, the almost inextricable embarrassments of the rival court after the conquest, and the dreadful condition of the country from the consequences of the war, as well as from its immediate operations, produced a sensible effect upon the manner of conducting state affairs, and may be justly said to have somewhat affected the position of the Crown in relation to the people.

Upon the approach of Henry's invasion the Dauphin Louis, exercising the powers of government for his father, levied a *taille*,[3] and laid a tenth upon the clergy, by his own mere authority, and without any assembling of the States. The collection was made by main force, a multitude of tax-gatherers being sent all over the country to employ every kind of violence—among others, that of seizing the persons of the peasantry to compel a ran- 1415.

[1] Note LXV. [2] Note LXVI.

[3] A tax on the land and farmers' profits, generally estimated by their stock, and from which the nobles and clergy were exempt, unless in certain districts.—Note LXVIII.

som. The gendarmes on their way to the army committed equal excesses in plundering the people, who fled to the woods for shelter from both classes of marauders, and remained wholly indifferent about the issue of the contest, only desiring that whichever party prevailed, the war might speedily cease. When Armagnac on Louis's death took possession of the government, he plainly showed that no appeal would be made either to the Parliament or to the States. In Languedoc, where he possessed many fiefs, he strictly forbade his lieutenants or superintendents to hold any assembly; and afterwards, when the Parliament of Paris addressed him to urge a reconcilement with the Burgundian, he peremptorily refused, drove 300 persons of note, including many Parliament-men, into banishment, and considered that he had thus obtained a preponderating majority in all their deliberations. Yet still he avoided asking their sanction, or that of the States, to any levy of taxes; he preferred despoiling the churches of their plate, seizing the treasures amassed by the Queen, raising the denomination or lowering the standard of the coin, and extorting money from the inhabitants of Paris, the zealous partisans of his adversary. The Burgundian availed himself skilfully of these oppressive acts to obtain an advantage over his rival; he used the Queen's authority to annul the Armagnac Parliament at Paris, to summon another at Troyes, and to repeal all the taxes which Armagnac had imposed. But he also by the same authority

1417.

assembled the States of Languedoc, prelates, nobles, and towns: he appealed to them for supplies, but also desired their advice upon the state of public affairs. This proceeding gained over to his side the whole of that country; with the exception of Beaucaire and Avignon, it became all Burgundian. It cannot be doubted that the States likewise granted him a supply, though of this no precise information has reached us. The recognition of that body was plainly owing, not so much to the English invasion as to the conflict between the two great parties which divided France. Armagnac having taken one course, the Burgundian took the opposite. 1418.

When the Treaty of Troyes had surrendered the kingdom to Henry, the Burgundian's successor, Philip, found no support of that disgraceful settlement from his own barons or his towns; they would on no account swear to maintain it. The confederates, therefore, Philip, the Queen, the Regent Henry, and their tool, the unhappy King, convoked the States at Paris in order to obtain a sanction to their proceedings. The Parisians, in their factious zeal against the Armagnacs, had at once declared their approval of the treaty. The States met under the presidency of Charles, who was said to have a lucid interval; they were directed to deliberate in their several chambers; and in a few days they returned with an unqualified answer in favour of the treaty, declaring it to be the Law of the Monarchy. 1420.

They further agreed to adopt whatever measures the King and his council should recommend; and under pretence of restoring the standard of the coin, they were asked to approve of a heavy tax on all the subjects of the Crown. The Ordinance made on this occasion was in the name of the Regent as well as the King, and purported to be by the advice and consent of the Three Estates. It may be recollected that by the treaty Henry bound himself, both as Regent and when King, to advise with the nobles and wise men of the realm, to preserve their rights and those of the towns and communities, and to impose no taxes save in cases of necessity, and to a reasonable amount. The Regent Bedford, after his brother's death, did not assemble the States to obtain either a recognition of Henry VI.'s title or supplies for the war; but he called a meeting of notables, lay and clerical, for both those purposes. They granted an aid; but when he asked for a restoration to the Crown of all the lands granted to the Church during the last reign, the clergy treated the proposition as sacrilege, and Bedford was obliged to withdraw it. Here, then, it should seem that the embarrassments of the government imposed some restraint upon the royal authority.

Charles VII., upon taking the management of affairs into his own hands, pursued an entirely different course from that of Armagnac in the provinces which he still held. He assembled the
1423. States-General at Bourges, and those of Languedoc at Carcassonne, asking from them a re-

cognition of his title upon his father's death, and a supply for the expenses of the war. Both requests were willingly complied with; but a complaint of judicial abuses accompanied the grant, and Charles issued an Ordinance to redress the grievance. It was prepared by a commission of prelates and lawyers, and must be regarded as an important result of the difficulties in which the Crown was placed, and a concession obtained through the popular assembly. Another step in the same direction was afterwards made by the Parliament at Poictiers, whither Charles had transferred the Parliament of Paris. That body refused to register an Ordinance giving the Pope the power of nominating to benefices. The ground of the refusal was that the Ordinance had been surreptitiously obtained by the Romish clergy, and in derogation of a former Ordinance of Charles establishing the independence of the Gallican Church. 1425.

As his embarrassments increased he more frequently appealed to the States; but he found great difficulty in obtaining their attendance from the disturbed state of the country. Sometimes no meeting could be held; sometimes they met, but in small numbers. Of their proceedings the accounts, where any have reached us, are both meagre and contradictory. Among the statements which can be relied on is one, that the Assembly in Languedoc, having made a very inconsiderable grant to Foix, Charles's lieutenant, and he having attempted to raise 22,000 livres beyond the sum given, though 1427.

to be expended in the service, the States remonstrated, and the additional collection was suspended by a Royal Ordinance. The States General assembled at Mehun some time before had shown very little of the same jealousy. They complained of the expenses occasioned by the army and of the outrages which it committed; but granted a general taille, and, expecting not to be often again assembled, declared their readiness to support the King with their lives and fortunes, in whatever measures he might adopt, and without being called together. It is manifest that they did not wish to meet, and were well assured no imposts would be levied without their assent. That Charles took this view of their proceeding is obvious, because he never acted upon the licence which they had affected to give him, and made repeated attempts to convoke them again. After several failures, he induced them to assemble by offering them the full power of discussing all public affairs, and thus at length obtained a meeting. The States of all the provinces met at Chinon, and granted him a supply of 400,000 livres, to be paid by the nobles and clergy, as well as the *tiers état*; but they also demanded that the Parliament of Paris (now sitting at Poictiers) and that of Toulouse (sitting at Béziers on account of the plague) should be united. This was accordingly done by an Ordinance which continued in force for thirteen years; and it proves the weight which the States of Languedoc had in the Assembly. Other demands were

1428.

made of a reform in the Chamber of Accounts and inferior judicatures.

The state of the country prevented a resort to the Court and Parliament at Paris and to the Parliament at Poictiers, while it interrupted the trade of all the towns; and Bedford as well as Charles was induced to devise measures of relief. They both issued Ordinances with this view; and among other expedients they endeavoured to encourage commerce by opening the ports and inducing foreign merchants to resort thither. These Ordinances, though made without any authority from the States, were not likely to occasion a difference of opinion in any quarter. But deep and general discontent had been excited in the northern parts of the country by the insolent and overbearing demeanour of the English, who even set the Parisians against them—a consummation which all Henry's haughtiness and cruelty had failed to bring about;[1] and in the provinces still under Charles, the calamities of the war, with its attendant anarchy —ascribed, and justly ascribed, to the English invasion—roused in the people such a spirit of resistance as secured him their zealous support, while it crippled his adversary. For some years, therefore, he rarely convoked the States. From one of their meetings at Vienne he obtained a supply, which was followed by a similar grant the year after from the States of Languedoc. In the next four years he frequently assembled them, but

1434.

[1] Note LXIX.

their proceedings were of so little importance that few or no traces of them remain.

Now, however, the successes of the war, the re-
1439. concilement with the Duke of Burgundy, the prospect of finally expelling the English by a vigorous effort, above all, the dreadful state of the country, appear to have produced an effect upon Charles of which history affords scarcely any other example. His whole character suffered an extraordinary change—it seemed as if his nature had undergone a transformation. Shaking off the habits of an indolent voluptuary, the tool of intriguers and dupe of favourites, he devoted himself without reserve to public affairs, and displayed talents yet more remarkable than the pleasing manners and other trivial accomplishments which had hitherto made him be rather loved than respected, and chiefly the two highest qualities of a ruler, firmness of purpose, with the power as well as the will ever to choose capable servants. He was thus able to restore the independence of his country; but he bestowed upon his people an equally precious gift by re-establishing domestic peace through the restored dominion of the law. These truly great triumphs were attended with considerable changes in the constitution.

When he began what may be termed his own
1439. reign, he found the wretchedness of the people so dreadful, from the anarchy every where prevailing, that he was not only enabled by the assent of all classes, but compelled by their in-

tolerable sufferings, to provide an effectual remedy, or to witness the entire dissolution of society. The distractions of the Government for above half a century—the civil war, so long dividing the people—the resort of foreign adventurers, attracted by the prospect of plunder—above all, the occasional disbanding and constant desertion of the soldiers in the contending armies, had subjected the whole country to bodies of freebooters, who at length became so strong in numbers, and so desperate in audacity, that they undertook military operations upon a considerable scale when united, as when dispersed they carried on the work of general massacre and pillage. Bedford (we have seen) had unsuccessfully opposed a body of those *Ecorcheurs (flayers,* as they delighted to call themselves), had lost one of his most distinguished captains, with a considerable division of his choicest troops, and had with difficulty prevented another body from sacking Paris, after taking a fortified suburb and massacreing its garrison. The less defended districts of the country were entirely exposed to their ravages by fire and sword.[1] It thus became the most vehement desire of the whole community to see those lawless depredators put down. Upon this feeling Charles acted, as his grandfather had done in similar circumstances eighty years before; but he was enabled to obtain from it more important results. He assembled the States at Orleans, where Nov. 1439. their meeting was more thronged, and their pro-

[1] Note LXVII.

ceedings more solemn, than had ever before been known.

Three several subjects were brought before them for debate—the question of peace connected with the pending negotiations; the grant of a supply for continuing the war; the establishment of a military force equal to cope with the difficulties both external and internal of the country. These questions appear to have been fully discussed. In compliance with the opinion pronounced for peace, an embassy was promised to treat with the English envoys. All arbitrary exactions, whether by the Crown or the Barons, were prohibited, but a taille of 1,200,000 livres was granted for the support of an armed force; the provisions respecting which formed the most important feature of the Ordinance made with the consent of the States. The power was vested or recognised in the King to employ at all times a hired body of cavalry 9000 in number, and to name all their officers; all other persons whatever were forbidden to appoint commanders of any armed body; the Barons were held responsible for excesses committed by their followers; the persons named by the King to command the cavalry were to choose their men, but to be answerable for their conduct; and all persons were declared subject to the ordinary judicatures of the country.

It being found impossible to put this important Ordinance in execution immediately, the continuance of the Robber-bands gave the Barons a pretext for opposing Charles and exciting discontent against him.

They had been restrained at the meeting of the States partly by the alarm generally prevailing, and in which they partook; partly by the strong feeling of the other classes: but now they joined in a conspiracy to dethrone him, and put the Dauphin in his place. When foiled by the combined firmness and temper of the King, they held a meeting at Nevers with the discontented princes, and presented a remonstrance against his proceedings as injurious to the common people. This, with their having yielded at Orleans, is a sure proof of the importance which the Third Estate had acquired. But these occurrences, and the interruptions occasioned by the war, prevented him from giving full effect to the Ordinance for several years. He then established the regular force of lancers authorised by that Ordinance to be raised and paid. They were distributed in fifteen companies; and by the help of his most confidential nobles he so arranged the appointments, that the more able and experienced of the banditti chiefs became the officers, and recruited their men from among their Bands as well as the French cavalry at large. The bodies thus raised were called from their origin *Compagnies d'Ordonnance*; they were subjected to a strict discipline, and were distributed over the whole kingdom, each town paying its proportion of the taille, which thus became a yearly and permanent tax, levied without any new authority from the States, or even any new Ordinance.[1] All the

1445.

[1] P. Dan., vii. 214; Mez., ii. 51.

commanders of Bands and their followers were ordered to disperse themselves under the severest penalties, and in a very short time the restoration of quiet and order appeared to be effected.[1]

Satisfied with the grant of the army and of the taille thus made perpetual, and apprehensive either of the Barons gaining more influence, or of the popular force being turned against himself, Charles avoided again convoking the States for financial or for general purposes, though he assembled them at Bourges when he desired their concurrence in taking part with one rival pope against another, and met with a refusal, only obtaining the grant of a tenth to be levied upon the clergy. So much did he shun any new appeal to the States, that he rarely applied even to those of the provinces, to which he had formerly made repeated applications. For one most important purpose, however, he made use of their local information and authority. The customs of the different provinces had never been fully ascertained and reduced to writing. St. Louis had begun this useful work, and in the course of two centuries those of several districts had been compiled.[2] Charles extended this to the whole kingdom, requiring the customs of each province to be digested in a Coutumier or Code by the States of that province.

1447.

[1] There cannot be a stronger proof of the little attention paid by French authors to the proceedings of the States than the circumstance of the Hist. Univ. Mod., tom. xxxvi. p. 116 (Hist. France, liv. xxiii. sec. 7), ascribing the whole reform of the army to Charles VII., without even mentioning the States of Orleans or the Ordinance.

[2] Note LXX.

But though he avoided any further assemblages after the advantage he had reaped from the assent of the last to both his financial and military policy, he took care to use the authority wherewithal he had been armed in order to improve both those branches of his administration. He not only extended the taille considerably beyond the sum at which it had been fixed in the Ordinance of Orleans by taking three several *crues* or surcharges,[1] but he arranged the distribution and collection in a manner calculated to render it at once more productive and more oppressive. But he made a still more important addition to the regular army, sanctioned by that Ordinance. He established a militia, or body of archers, one to be furnished, equipped, and trained by each parish, ready when required for the King's service, but only then to receive pay, and to have an exemption from all direct taxes as a compensation for the enrolment. This circumstance gave them their name of *franc-archers*. His successor many years after suppressed this body, and introduced the Swiss troops instead, beside making a large addition to the lancers or cavalry. But the standing army unquestionably was introduced by Charles; and to its excellent discipline and general efficiency, contemporary writers ascribe his succeeding so easily in the conquest of Normandy.[2]

1448.

1479.

[1] Note LXVIII.

[2] Monstrelet, iii. ch. ccx., Hafod edit. P. Dan. (vii. 626) dates the introduction of the Swiss Guards in 1479, Ph. de Com. (i. ch. 6) in 1465.

The establishment of the *franc-archers* had increased the jealousy of the Barons towards the Third Estate, whose strong support of the King in the meeting at Orleans had overpowered their opposition. Charles now found it expedient to court them by an improvement of the army, which proved acceptable to them while it furthered his own plans.
1455. The feudal part of the force, that which the Barons furnished, was placed upon a more regular footing, but one which made the providing and maintaining it easier for them. This, too, was done by the King's own authority, and without any assembling of the States.

All these considerable changes in the Government, chiefly in its practice, but in some measure also affecting its principles, may justly be viewed as connected with the English invasion more or less directly. They were changes in two opposite directions; they tended on the one hand to increase the power of the Crown, but on the other hand they involved material admissions of the subject's rights. The necessity of appeal to the States in any emergency of affairs was proved by numerous examples. The course of consulting those assemblies on other matters, as well as on supply, was more frequently resorted to. Even the changes most beneficial to the prerogative, the perpetual tax and the standing army, were made with the assent of the States, and principally of the Commons; and the importance of that body was recognised by the aristocracy as well as by the Sovereign. It is

certain that the invasion and the state of anarchy into which the war threw the country, enabled the Sovereign to accomplish whatever he undertook with respect to the administration of affairs; but it is not true that this state of things now for the first time existed in France. The evils so severely felt had attained a great height a century before, in Edward's time, and from similar causes. They were now become more intolerable, and they led to more permanent results.[1]

Whoever marks the changes to which we have been adverting, must perceive whence the power was derived that enabled the King to effect them. It was from the feelings engendered by a worse oppression than any which the abuse of his authority could inflict, and from the well-grounded dread of the anarchy becoming yet more general and unbearable. We have noted other resemblances between the older and the more recent passages in the history of France; and this adds one, not the least remarkable, to their number. The contrast in character and conduct of the Parisians with the rest of the French people; the influence over the multitude possessed by the most despicable and the most detestable leaders; the unprincipled, often unreflecting, sacrifice of the national honour, now to factious rage, now to selfish impatience of exertion; the unmanly attacks on unoffending weakness—women of exalted rank, venerable priests, aged nobles; the violation of the Monarch's person

[1] Note LXVII.

by forcing him to crouch before the mob, and wear the emblems of its triumph;[1] the massacres in the streets patiently witnessed, and the horrid murders perpetrated by wholesale in the prisons—these revolting scenes do not more accurately present the anticipation of enormities that disfigure the pages of recent annals, than the habitual acquiescence under any tyranny from the dread of worse mischief, affords a parallel to the patience of the same nation under the Directorial reign, alike harsh, corrupt, and contemptible—the Consular usurpation—the Imperial despotism—the Restoration, with its abuses and its disappointments—the Republic, with its real servitude and nominal freedom—a patience entirely produced by the apprehension that resistance might bring on the heaviest calamity of all, restoring the rabble to supreme power, and making its will the law. Nor can it be doubted that if the hordes of bloodthirsty plunderers who spread universal dismay in the fifteenth century surpassed in numbers the miscreants of whom the eighteenth stood in awe, the catastrophe which threatened the earlier, the more rude and more unfeeling age, was less terrible than would be the general establishment of lawless violence, under what name soever—whether of popular supremacy, or pure democracy, or all governed by all, or Utopia, or Communism—on the ruins of a social system at once artificial and refined.[2]

[1] Note LXXI. [2] Note LXXIII.

NOTES AND ILLUSTRATIONS.

NOTES AND ILLUSTRATIONS.

Note I.—p. 1.

That Huss received the works of Wycliffe from England there can be no doubt. This subject is treated fully in L'Enfant's Council of Constance, i. 25 *et seqq.* The proceedings of that Council on Wycliffe and Huss tend to the same conclusion of connecting together these reformers. Sir Thomas More, Dial. iii. 14, also traces Huss's proceedings to Wycliffe. Huss himself never denied that Wycliffe was his forerunner, and always defended him against the charge of heresy, and of teaching anything against Scripture, though his books had been burnt by the Council in 1412, and forty-five of his tenets condemned (L'Enfant, *Concil. Const.*, i. 25, 240).

That Wycliffe manor was an ancient seat of the Wycliffes we find asserted as well known by Camden (*Brit.* iii. 340). The strange mistake of Baker (*Chron.* 130) may be noted. He says that Wycliffe went into voluntary banishment to Bohemia, where his doctrine took root after his death, which he seems to say happened in that country.

Note II.—p. 3.

T. Walsingham's silence on the subject of Wycliffe's talents and character, when contrasted with the bitterness of his invectives against his heresies, is sufficiently expressive: "Hypocrita, Angelus Sathanæ, antichristi præambulus, non nominandus, Joannes Wycklif, vel potius Wick-beleve, hæreticus, sua deliramenta," &c. (*Hist. Ang.* 256). So in relating his death—

"Organum diabolicum, hostis ecclesiæ" (not felt as an anti-climax, probably) "confusio vulgi, hypocritarum speculum" (*ib.* 338); and the good monk then describes with infinite exultation his apoplectic seizure, with its dreadful effects upon his features. In the *Ypodigma Neust.* 142, he dispatches him to hell, "Malitiosum efflavit spiritum ad sedes luce carentes." But H. Knighton, who represents everything as much as possible against him, though in language more measured, is obliged to admit that he was "Doctor in Theologiâ eminentissimus," adding "in philosophiâ nulli reputabatur secundus, in Scholasticis disputationibus incomparabilis" (*De Ev. Ang.* 2644).

Walden, his bitter enemy, says (*Epistle to Martin V.*) that he "was wonderfully astonished at Wycliffe's most strong arguments with the places of authority which he had gathered, and with the vehemency and force of his reasons."

After his death the Vice-Chancellor and Senate of Oxford bore a formal and solemn testimony to his character:—"All his conditions and doings throughout his whole life were most sincere and commendable. His honest manners and conditions, profoundness of learning and most redolent fame, we deem the more worthy to be notified and known unto all faithful, for that we understand the maturity and ripeness of his gifts; his diligent labour and travels solid to praise God and profit the Church." They describe him as "so preeminently honest from his youth upward that never at any time was there any spot of imposition noised of him." They speak of him as "the champion of the faith, vanquishing by force of Scriptures all such as by their wilful beggary blasphemed and slandered Christ's religion; neither (they add) was this doctor convict of any heresy —neither were burnt any of his works after his burial." To his talents the amplest testimony is borne: "In logicalibus, philosophicis, theologicis, et moralibus scripserat inter omnes nostræ universitatis ut credimus sine pari." This document bears date 1st October, 1406 (*Concil. Magn. Brit.*, iii. 302). But some have doubted its authenticity, and supposed the University seal to have been used by fraud.

Note III.—p. 3.

"Bothe vengaunce of swerde," saith he, "and myscheife unknowne bifore, bi whiche men thes daise schulde be punysched, schule falle for synne of prestis. Men schal fall on hem, and cast hem out of her fatte benefices, and thei schal seie, 'he came into his benefice by his brynrede, thes by covenant maad bifore; he for his servyse, and thes for moneye, came into Goddis Chirche.' Thane schal eche suche prest crye, Alas! alas! that no good spirit dwellid with me at my comynge into Goddis Chirche" (*Last Age of the Church*, p. xxxiv., Todd's edition). The date of this work is proved to be 1356, as in the text I have given it, for in one passage the author expressly says, "Fro Crist we now are therten hundred yeirs, fifty and sixe yeirs."

'*The Last Age of the Church*' began thus: "Alas forsorwe (for sorrow) grete prestis sittinge in derkenessis and in schadowes of deeth, noght havynge him that openly crieth Al this I wille give gif you avaunce me." Then he inveighs against reservations, dymes (*i. e.* tithes of clerical incomes due to Rome), first fruits, and other payments. He also describes as one of the four tribulations of the Church, "chafferers walkynge in derkenessis, the heresy of Symonysms."

Note IV.—p. 4.

Dr. Lingard, with his wonted zeal against reformers, states this suspicion of the purity of Wycliffe's motives, and only says that the charge has been brought, "*perhaps rashly*" (*Ling. Ed. III.*, ch. ii. vol. iv. p. 215). Now as Dr. Lingard cites Lewis, who gives the dates fully, there should have been no doubt expressed, for these dates are decisive against the charge. In 1356 the '*Last Age of the Church*' was published, as is shown in Note III.; and it accuses the Romish see of simoniacal practices (see that note). About the same time, certainly not later

than 1360, Wycliffe took a most prominent part in the controversy against the Mendicant friars. It was not till 1365 that he obtained the wardenship of Canterbury Hall, nor until 1370 that the Pope decided against his claims, the interval having been spent in further prosecuting his former opposition to the friars.

I have given in the text the common account which all writers from the end of the sixteenth century gave, and which never was doubted till 1841, when Mr. Courthope adduced important reasons for questioning whether Wycliffe ever was Master of Canterbury Hall. His opinion is founded on the undoubted fact that there was another J. Wycliffe, who died a year before the Reformer, having held the living of Hirsted Kynes in Sussex, and who also held the living of Mayfield, Archbishop Islip's residence, in the same county. It is further certain that Wycliffe himself never makes any allusion to his appeal in any of his numerous writings; and, what is more material to the argument, his bitter enemies, T. Walsingham and H. Knighton, are wholly silent upon the fact of his ever having had a dispute with Rome on his own individual account. I have caused search to be made in all the repositories of Oxford—those of Balliol, Merton, and Christ Church—with which Canterbury Hall was united in 1545; but any mention of the great Reformer is rarely to be found in the records of those houses, Chichele, when he succeeded to the primacy, having indeed caused most of the documents in which his name appeared to be destroyed. Of Canterbury Hall there are no papers whatever preserved in Christ Church; and those of Lambeth only give the pieces of the proceedings in the appeal, from whence no inference can be drawn as to which of the two Wycliffes claimed the Mastership. But one circumstance seems to impeach Mr. Courthope's system, and to confirm the common account. The J. Wycliffe who was Master received his appointment in December, 1365; and it appears from the Balliol papers in the chest relating to St. Lawrence Jewry (a city rectory in the gift of that College), that John de Huegate was Master of Balliol in 1366. Now nothing can be less likely than that the Reformer, who is admitted on all hands to have been Master

of Balliol in 1365, should have given up his place unless he received some other promotion; and if he became Master of Canterbury Hall, the probability is very great that he would almost immediately resign Balliol. There is an appendix to the work of a Master of Balliol, entitled 'Balio-fergus,' which gives a list of the Masters, and after J. Wycliffe's name (1361) comes that of Tyrwitt (1371); but the author expressly states that he only gives the names of Masters who did something worthy of being recorded, and that his dates refer not to their admission, but to their acts. By the same list it appears that in 1340 another John Wycliffe had been Master of Balliol, for at that time the Reformer was only sixteen years old.

The Bursars' Rolls of Merton show that J. Wycliffe held a College office 30 Edw. III. (1357), and was therefore in all probability a Fellow at that time.

NOTE V.—p. 4.

The following passage is taken from his MS. tract 'Of Clerks Possessioners,' *apud* Lewis, p. 7:—"Freres," says he, "drawen children fro Christ's religion into their private order by hypocrisie, lesings, and steling. For they tellen that their order is more holy than any other, and that they shullen have higher degree in the bliss of heaven than other men that ben not therein, and seyn that men of their order shullen never come to hell, but shullen dome other men with Christ at doomsday. And so they stelen children from fader and moder, sometime such as ben unable to the order, and sometime such as shullen susteyn their fader and moder by the commandment of God; and thus they ben blasphemers taken upon full councel in douty[1] things that ben not expressly commanded ne forbidden in holy writ; sith such counsel is appropred to the Holy Gost, and thus they ben therefore cursed of God as the Pharisees were of Christ, to whom he saith thus:[2] 'Woe to you scribes and Pharisees that

[1] Doubtful. [2] Matt. xxiii. 14.

ben writers of law, and men of singular religion, that compassen about the water and the lond to maken of your religion, and when he is made of your religion yee maken him double more a child of helle.' And sith he that steleth an ox or a cow is damnable by God's law and man's law also, muckil more he that steleth a man's child, that is better than all earthly goods, and draweth him to the less perfitt order. And though this singular order were more perfect than Christ's, yet he wot nevere where it be to damnation of the child, for he wot not to what state God hath ordained him; and so blindly they don agenst Christ's ordinance."

NOTE VI.—p. 11.

Among the exaggerated notions of the day we find the strange assertion that the Pope levied five times as much from the country as the Crown. "*Omnia Romæ venalia*" was a maxim as generally cited in Edward III.'s time as in that of Catiline at Rome. That Prince was petitioned to expel all churchmen from civil offices; and the threat was sometimes plainly heard of terminating by force the papal authority. 'Piers Plowman's Vision' is chiefly directed against the clergy; and Chaucer is full of sarcasms at their expense; and though it may be observed that he flourished late in the same century, yet Langley preceded Wycliffe by many years.

NOTE VII.—p. 12.

"In tantum in suis laboriosis dogmatibus prævaluerunt, quod mediam partem populi, aut majorem partem suæ sectæ adquisiverunt" (H. Knighton, 2664). "In tantum multiplicata fuit (Secta *scil.*) quod vix duos videres in via quin alter eorum discipulus Wycliffe fuit" (*id.* 2666).

NOTE VIII.—p. 14.

Some accounts represent the Primate as having been present. But the Bishop of London alone as presiding makes answer to the Lords when they speak for Wycliffe, and yet, had the Primate been there, he must have presided. The mistake probably arises from the bull being addressed to the Primate as well as the Bishop. The inference that Courtenay or some of his followers had given an intimation to the populace of what had passed in court with the Duke seems difficult to avoid. For how else should they have been aware of it? His furious zeal was too well known; nor was there anything in Lancaster's words to make the people suppose he had insulted Courtenay, unless the latter had showed himself greatly offended.

NOTE IX.—p. 16.

"Quinimo si ibi esset corpus Christi asseveravit in fractione se posse frangere collum Dei sui. Quod panem esse dicebant, et rem inanimatam, et potius venerandum esse bufonem vel quodlibet animatum."—*T. Wals.* 356.

NOTE X.—p. 17.

T. Walsingham (p. 281) gives three several and distinct causes of the tumults, regarding them as judgments of Heaven—*First*, upon the prelates for not prosecuting with severity the partisans of the new heresy.—*Secondly*, upon the Lords for their bad lives and atheistical principles, and their tyranny over the community.—*Thirdly*, upon the wicked lives of the community themselves. As regards the supineness of the prelates, he declares the breaking out of the insurrection on the day of Corpus Domini to constitute a proof of its being judicial. But not a

word does he or H. Knighton say of the Wycliffites as having by their preaching caused any discontent or stirred up any sedition among the common people.

NOTE XI.—p. 17.

See Rot. Par. iii. 1 Ric. II. 88, 2 Ric. II. 60. Dr. Lingard, who makes the charge against Wycliffe's doctrines of having encouraged the turbulent spirits, places this accusation in such juxtaposition to the complaints of the Lords as would make a careless reader suppose that those complaints were partly levelled at the Reformed teachers.—iii. 175-6.

NOTE XII.—p. 18.

It is somewhat singular that the expulsion of the parties themselves is not directly ordered, but only may be implied by the sentence against all who held the opinions.—*Rymer*, xii. 363. This royal mandate is directed to sheriffs and mayors as well as the university, and it enjoins obedience to the Primate's lawful orders. Hence it should seem to have been issued under the Stat. 5 Ric. II., afterwards repealed. For the subsequent royal proclamations, as that in 1395, do not refer to the prelate's authority, but to that of the Crown, and they contain no command to sheriffs and mayors.—*Id.* 805-6.

NOTE XIII.—p. 19.

Stat. 5 Ric. II. c. 17, and 6 Ric. II. c. 53. The words of the Commons in desiring the repeal are worthy of remark—"It is no wise their interest that they or their posterity be justified and bound before the prelates any more than their ancestors have been in times past."—Rot. Par. iii. 141.

NOTE XIV.—p. 25.

Wycliffe's was certainly the first translation of the Bible, though different parts of it had before been rendered into Saxon and English. Dr. Lingard hastily adopts a vague expression of Sir Thomas More's in his Discourses, to show that a translation had long before been made; and the expression does not bear him out (Hist. iii. 198). Wycliffe's translation, made chiefly by himself, and wholly under his immediate direction, was principally from the Latin versions. A very full and learned account of the Translations of the Bible is given in Dr. Rees's Cyclopædia, voce Bible. Sir T. More's Dial., b. iii. c. 14, lavishes much abuse on Wycliffe, and charges him with gross and systematic mistranslation and corruption of the Scriptures. His assertion that they had all been translated before is given with the most suspicious generality, and plainly rests on no specific or definite facts. He contends, too, that the Romish clergy did not lock up the Bible from the laity, and would have us believe that they only were desirous of preventing erroneous translations from misleading the people.— *Works*, 1549, pp. 233-4.

More's bigotry exceeds that of most men. It is perhaps the most remarkable instance of the prostration of great faculties by superstition. One of his principal charges against Luther is his being an enemy of crusades against the Turks.' His answer to Tindale is unrivalled in weakness and in zeal.

The number of Wycliffe's writings was enormous, even for that voluminous age. They exceeded those of St. Augustin. His Bible, though hastily executed, is most valuable as a mine or record of our Saxon tongue; for it is written in singularly idiomatic language; and Mr. Hallam has done it only justice in representing its composition as an important step in the progress of the language.—ii. 607.

NOTE XV.—p. 27.

The abuse of Luther by both clerical and lay adversaries exceeded the ordinary measure of polemical virulence. That he was criminally connected with Catherine Bora before marriage, or, as it was phrased, that he was within two days a monk, a husband, and a father; that he was a glutton and a sot, and died suddenly after a debauch; that he succeeded in convincing himself against all religion after a ten years' struggle, compared to the siege of Troy, and that he became an atheist—these are charges, wholly false, indeed, but not impossible to be true in the nature of things. But it was also currently asserted that he had been begotten by a monster, or incubus, and that he habitually drank two gallons of sweet wine at dinner and supper, —assertions which stamp themselves with falsehood, and their authors with folly as well as fraud. Erasmus, who had at one time believed and given currency to the charge respecting his wife, afterwards retracted it most fully. To vindicate Luther from faults of another kind, some of them almost bordering on mental alienation, would be an altogether hopeless task. His table-talk dwells with disgusting detail on supposed conflicts with the devil; he gave the Elector a dispensation to marry two wives; and he profaned the pulpit with sermons vindicating fornication.

NOTE XVI.—p. 29.

The first part of Spencer's epitaph refers to these exploits:—

"Lollardi mores damnant deteriores
Insurrectores permissus necat et proditores."

"Nullus pacturus (says Copgrave) tempore suo inter populum habitare potuit."—Vit. Henrici Norvicensis apud Wharton Orig. Sac. ii. 359-69.

NOTE XVII.—p. 35.

The doubts cast upon the authority of the act are, I think, insufficient to shake it. To some observation, however, it is certainly liable. The Rot. Par. only says that it was "de consensû Regis, magnatum, procerum;" and no mention is made of the Commons. But the Statute itself mentions the Commons. Again, the prelates in the Petition say nothing of the punishment; so that, though the Commons assent with the Temporal Peers and the Crown, the Spiritual Peers give no consent to the whole act. But then the statute mentions the Prelates as well as the Temporal Peers. Perhaps, however, the most suspicious circumstance is the place in which the Petition and answer are found on the Parliament Roll. The 46th and 47th entries are stated to be made of what passed the last day of Parliament, Thursday, March 10, 1401. The Parliament is then dissolved, the members dismissed, and their wages ordered; and then comes the 48th entry, which is the petition of the clergy and the answer enacting also the punishment. But it must be admitted that in the 47th article the Commons thank the King for what had been enacted during the session to put down heresy, and no other enactment except the stat. *de hær. comb.* appears to have been made, unless it be the writ for burning Sawtré, which is certainly entered Art. 20, as framed by advice of the Lords spiritual and temporal. There is also much irregularity in these entries: for example, one of the entries before the dissolution on the 10th of March bears date the 15th, if this be not an error in transcribing.

NOTE XVIII.—p. 36.

Dr. Lingard is mistaken in his statement that the Commons returned thanks specially for Sawtré's punishment (iii. 329). He cites the general thanks which they gave at the end of the session "for the good and just remedy which had been made and

ordained to the destruction of the heresy and the sect" (Rot. Par. iii. 466). Now, Dr. Lingard uses this passage (p. 330) as a proof that the Commons thanked the King for the statute, not for the writ; and so, probably, must the thanks be read. If they refer to Sawtré's case, then one of Dr. Lingard's proofs that the statute had the consent of the Commons fails. He and others express doubt of the precise time of Sawtré's execution. But the writ or ordinance *de comburendo W. Sawtré* is tested 26th February, 1401; and though the entry on the Parl. Roll is 2nd of March, that may be the day it received the Lords' assent, in anticipation of which it was probably framed. There can be little or no doubt then as to the time.

NOTE XIX.—p. 41.

T. Walsingham is the only authority on which the proposal of the Commons to Henry IV. has come down to us. We only find in Rot. Parl. iii. 623, that the Commons desired to have a petition returned to them which they had presented, and that it was given back with some reluctance, and a note that this proceeding should not be drawn into a precedent. T. Walsingham, 422, says that the petition came from "Milites parliamentales, vel ut dicam verius satellites Pilatales, in maligno positi, nulli commoditati regni studentes sed unum solummodo scelus molientes ut ecclesiam destituant."

NOTE XX.—p. 46.

After a solemn mass had been performed, he also offered to be treated as a traitor should he be found false in his protestations to Richard. (*Relation de la Mort de Richard II.*) He was the person who seized Richard. On Henry's landing, Salisbury, who had been sent into Wales by Richard, assembled 40,000 men, but Henry is said to have collected 100,000. Richard, on the way to London, at Lichfield, attempted to escape by sliding

down from the tower window; but he was taken in the garden. While on the journey a body of Londoners came to demand his head; but Henry refused, and said he should let him be tried by the Parliament. As Richard rode through the city the mob reviled him with the name of "*little bastard*," a calumny adopted in some proclamations of Henry which call him John de Bourdeaux. (*Relation de la Mort de Ric. II.—Relation d'un Français, Témoin oculaire, au sujet de la Déposition de Ric. II. et de l'Usurpation de Henri IV.—Chronicle of the Betrayal of Richard II.*, published in Archæol. VI. by the Antiquarian Society.) This is the same with the work last cited, and it had been printed in France before the Society published this edition, assuming that the original remained still in MS.

NOTE XXI.—p. 49.

Sir T. Blount was embowelled alive; that is, placed upon a bench while only half hanged and yet alive, and his entrails forcibly torn out and burnt before his face; cruel, taunting expressions being at the same time used towards the sufferer. The 'Relation de la Mort de Rich. II.' gives this shocking account of it:—"Il se deboutonnat, et adonc le bourrel en y latta le ventre et luy coppa les boyaulx droit desous l'estomac, et les noua d'une laniere que le vent ne partist hors de luy, et jetta les boyaulx dans le feu. Adonc Sir Thomas etait assis devant le feu, le ventre tout ouvert, et les vist ardoir les boyaulx devant luy."

To the savage ferocity of the law was added the vile spite of the courtier. Sir Thomas Erpingham, the usurper's chamberlain, must needs insult the victim of his cruelty, and whose only crime was the refusing to partake of his own treason: "Go," said he, "seek a master that can cure thee!" Blount only answered by blessing God that he had been suffered to die for his lawful prince. (*Relation*, 232.) He refused to betray the names of his accomplices. (*See* the *Cronycle of the Betrayal*, p. 246.)

NOTE XXII.—p. 49.

T. Walsingham denies the murder altogether; but he stands almost alone in this denial. His story of Richard starving himself to death for grief at the conspiracy of his adherents being discovered, and at the death of his uncle, is altogether improbable; for it is at variance with the whole character of the man (T. Wals. 404). The only other contemporary authority which can be cited for this statement is that of the 'Relation d'un Français, Témoin oculaire.' The author says that after the deposition he received Richard's permission to return to France, which indicates that he had been attached to his person. The narrative ends by saying that, on the defeat of Exeter's conspiracy, Richard "from grief refused to take any nourishment, and died of hunger."

The 'Relation de la Mort de Rich. II.' gives the common account of Exton and seven others falling upon and despatching him after he had killed four of them, and adds that the occasion taken for the violence was a squabble between the King and his carver. The *Polychronicon*, which joins in the account universally given that he was murdered, mentions the common opinion in England to be that he had died voluntarily, starving himself through grief, which was no doubt the tale circulated by Henry and his partisans, and the prevalence of the notion accounts for T. Walsingham's statement. (*Polych.* ccxxv.) Hardyng, a contemporary writer (for he was born in 1378, and entered Percy's service in 1390), says that Richard died in Pontefract Castle, and was buried privately at Langley, "for that men sholde have no remembrance of him;" but, he adds, "men sayde for hungered he was and lapped in lede" (ch. 66, p. 357). Fabyan, who lived a century later, for he was sheriff of London in 1493, gives it as clear that Sir Piers Exton slew him by Henry's command (568). It is remarkable that Froissart gives no intimation of Richard having come by his death through foul play. After frequently reciting the advice given to Henry that he should despatch him, and adding that he put these counsels aside, he merely says that

he "could not learn how Richard's death happened," and gives a pretty full account of his funeral. He adds, however, that his death had been expected for some time, "for it was well known he never would come out of the Tower alive" (*Froiss.* xii. c. 30, 31). The narrative of Froissart is full of inaccuracies; among others he makes Richard remain in the Tower from the time he was seized. Some of the old writers mention an act, ordinance, or resolution of Henry's first parliament, declaring any attempt in Richard's favour treason, and ordering that if any such were made Richard himself should be killed first. But nothing of the kind is to be found either in the Statute Book or Parliament Rolls. A judgment is given, Rot. Par. iii. 452, by Chief Justice Thyrning, in the Lords, declaring certain appellants who are forfeited, but not hanged, to be guilty of treason if they shall adhere to Richard.

Several ingenious men have exerted their skill in support of the notion that the man sometimes called "that foole in Scotland" (as we have seen) was Richard, who had escaped from Pomfret Castle, and taken refuge there. That some such impostor obtained credence for his story seems certain. But, not to mention many other proofs against the possibility of its being true, we may only refer to the undoubted fact that Henry had possession of James I.'s person during the greater part of his reign, and could, from the influence which that gave him over the Regent Albany, have easily obtained possession of Richard's person had he really been in Scotland. No one surely can suspect Henry of such kindness towards his dethroned kinsman, or such a tender conscience as to be glad the guilt of his death did not lie upon his soul, and yet upon no other supposition is it possible to account for his not making the Scotch give him up had he been among them. Lord Dover, in an ingenious paper read before the Society of Antiquaries, and Mr. Tytler, in his excellent History of Scotland, are the principal advocates for this historical paradox. Sir J. Mackintosh has partly refuted it in his English History, but Mr. Amyot fully and unanswerably, Archæol. xxiii. 277, and xxv. 394.

But it may be worth while to note the additional evidence

which the advocates of this opinion are supposed to have obtained from the late researches among our records. This evidence is given correctly, though with a great bias towards the opinion of Mr. Tytler and the others, in the preface to a late publication of the Historical Society, *Le Chronique de la Traison et Mort de Rich. II.*, from a MS. in the King of France's library (*see* Appendix, 273). The main reliance is placed on a confession of one Pritewell, the gentleman in whose power the Earl of Huntingdon was found and arrested by Henry IV., and the confession of Thomas Abbot of Bylegh. These two confessions, however, are really only one statement; for Pritewell tells a conversation he had with one Blyth, a knight, on Richard being still alive, and the abbot only tells that Pritewell and Blyth spoke together first apart, and then in the abbot's presence; so that all turns on Blyth's story; and it is to be observed that the abbot's account and Pritewell's materially differ. But Pritewell himself deposes that he gave no credit to Blyth, because he found him out in two falsehoods, and he relates what these were. One was that Blyth said he was brought up in Richard's household from a child, which Pritewell says he himself knew to be untrue; the other was his saying he had been knighted by Percy on the field of battle, and alone so knighted, and also that he and Percy had the same coat armour, all which Pritewell knew to be false by a creditable man (Treval) who had seen "Percy both quick and dead." The abbot adds that Blyth tried to borrow armour and money of him, and he lent him some shillings. He further says that the abbot of Colchester had stated in council his having sent a man with a ring to Richard in Scotland, with directions to return if he found him alive, and that the man came back and was thrown into prison. All this plainly amounts to nothing. The existence of a Pretender or impostor is not denied, and that will account for all the stories in question. The concurrence of historians probably would be of no importance on this subject if they all copied one another, or all took the facts from one authority; but the concurrence of contemporary writers which we have seen is very material.

NOTE XXIII.—p. 50.

At Windsor a banquet and council was holden 1st of January, 1399, when the archbishop and others on their knees besought Henry to put Richard to death. He said No, but promised on the first insurrection that broke out that Richard should be the first to die. This having happened at a council is probably the origin of the story given by historians of a statute having been made to this effect. No doubt the parliament were obsequious enough to pass any such law had the usurper deemed it necessary for his security; but his having the power of assassination rendered any precaution of the kind superfluous. But it appears clear from what has just been stated that the time-serving dignitaries who surrounded him regarded complacently whatever he chose to do against his victim.

NOTE XXIV.—p. 55.

How little reliance is to be placed on Shakspeare's account of Henry V. is plain from his gross perversion of Sir J. Oldcastle in Falstaff. The accounts in the Chronicles are extremely meagre respecting Henry's youth; though all agree in describing it as dissipated, if not dissolute. "Aforetime," says Holinshed, "he had made himself a companion unto misruled mates of dissolute order and life." (iii. 61.) "This man," says Fabyan, "before the death of his fader, applyd him unto all vyce and insolency, and drewe unto him all ryotous and wylde disposed persons" (577). T. Walsingham says he was suddenly changed into a new man, "honestati, modestiæ, ac gravitati studentem" (Hist. Ang. 426; Ypod. Neust. 178). "He had passed," says Hall, "his yonge age in wanton pastyme and riotous disorder;" and he gives the incident of his striking (as he asserts) the Chief Justice for an instance (46). "Changed from all vyces unto vertuous lyfe," says Hardyng, 371. Stow speaks of his "insolency in youth," and of "his youthfulnesse," and gives

his frolic of setting on his own receivers as an example (344-5). All these charges, however, clearly refer to dissipation, and riot, and keeping wild company.

Note XXV.—p. 59.

It is strange that the authorities so vary as to the date of James's capture, and, consequently, the period of his detention: most of them are agreed that he returned to Scotland early in 1424. T. Wals. (417) gives 1406 as the year he was taken, Hardynge 1408, Holinshed 1406, but admitting that the Scotch writers make it 1404 (iii. 41). Hall and Stow give 1407. Fordun, however, may in this instance most safely be relied on, and he gives 1404 as the date, which may probably mean 1405, as the event happened very early in the year (Scoti-Cron. xv. 18). One authority says he was only fifteen years confined, which would make his capture have happened in 1409. The homage said by both Holinshed and Hall to have been done by him to Henry VI. before his return appears to be a mere imagination.

The detention of James may be regarded as one of the darkest passages in the English history, and it is rendered still more discreditable to the nation by the abuse which some of our older writers lavish on that amiable and accomplished prince, charging him with black ingratitude, because on his return to Scotland he inclined occasionally to the policy of his country, and prosecuted the French alliance. The education which he received while detained, nay, the expense of his maintenance, is made the ground of this charge, equally ridiculous and unjust; and even Mr. Hume valued so highly the benefits of his forced training, that he actually thinks "it made ample amends for his imprisonment," which he only says proved Henry IV. somewhat deficient in generosity. (History of England, chap. xviii.) Surely the historian is highly censurable who utters sentiments so subversive of all just moral feelings. As for the zealots of national prejudice, who tax him with ingratitude, it would be difficult

for them to show how James, after his best days had, against all law and right, been spent in a cruel captivity, could ever hear the name of England pronounced without horror.

Note XXVI.—p. 62.

Nothing but ignorance both of our history and our ancient law could ever have led to any doubt of Sir J. Oldcastle's being a peer. In that age the husband of a baroness in her own right was not only in practice summoned by writ to sit for her barony, but was held to have a right to the summons (Collins, Bar. by Writ—Maddox, Bar.); and Sir John Oldcastle, having married the heiress of the Cobham barony, was summoned to sit in the four last parliaments of Henry IV. and the first of Henry V. It is now settled law that any one summoned and sitting takes a barony in fee (or rather in fee-tail); therefore Sir John Oldcastle had such a barony, whether he took in right of his wife or not: the only doubt might be whether, had his wife left no issue by him, his barony would have descended to the issue of another marriage—probably it would not; for the summons calling him by his wife's barony might be supposed to resemble the calling up of an heir apparent by his father's barony, which does not create a new peerage, but only advances a person *alioqui successurus*. However, this is not the same case, though it may be a similar one to the marital summons, as the party so called is not *alioqui successurus*. The peerages of which we are speaking were said to be by the courtesy; and, like estates held by that tenure, only vested if there were issue born of the marriage. It must, however, be admitted that the subject is not free from difficulty. But nothing can be more certain than the existence of such peerages, and that Sir J. Oldcastle enjoyed one is beyond all possible question. Considerable doubt prevailed in Lord Coke's time and later as to the right of persons who had married peeresses in their own right to a courtesy in these dignities. Lord Coke (Co. Litt. 29, *a*.) will not pro-

nounce any opinion, but after citing two cases adds, "Utere tuo judicio, nihil enim impedio." Hargrave (note 167) appears not to have been aware of the many cases of summoning by the courtesy to parliament in older times. Lord Hale (MS.) expresses no doubt of the title by courtesy. Com. (Dig. Estates, D. 1) seems to incline to the same opinion, for he speaks of a dignity as holden by the courtesy, but he cites as the only authority Co. Litt. 29. Certain it is that no such claim has ever been allowed (perhaps none has ever been made) since Lord Coke's time.

This great man (Cobham) is the original after which Shakspeare drew his Falstaff, as we learn from Fuller's Church History. At first he retained the name, as we perceive, by a vile pun adapted to it, and not changed when the name of Oldcastle was dropped. "My old lad of the Castle," says the Prince to Falstaff. Sismondi (Hist. des Fran. xiii. 97, *et passim*) always calls the General Sir J. Fastolf, Falstaff. M. Barante (Ducs de Bourg., Phil. le Bon, liv. ii.) has not been misled by the comedies: he gives the General his right name. Perhaps it may not be thought much to the honour of our national taste, or our refined ideas of the dramatic art, that in our most popular comedies we still have one of the most brave, virtuous, and pious men of his day figuring on the stage as a buffoon, a coward, and a thief.

Note XXVII.—p. 66.

The story told by Bale (Brefe Chronycle of Sir J. Oldcastle, the Lord Cobham, Har. Mis. ii. 259) and credited by some others, that before the King he said he appealed to the Pope, and therefore declined the Primate's jurisdiction, must be wholly groundless. Such an appeal was not only sure to irritate the King (the tale, indeed, says "he was moche more displeased than afore, and spoke angrily to him"), but it was wholly inconsistent with Cobham's known principles; and the sentence against him which recites all the proceedings before the King,

as well as at Cowling and in court, makes no mention of it whatever. Now it would have been the most triumphant answer to great part, perhaps the most offensive part, of his heresy had he ever appealed to Rome. The offer of 100 compurgations, and of justifying himself by duel "with any man living, Christian or heathen, in the quarrel of his faith," is equally improbable. Cobham had, as he seemed to say on his examination, long outlived such wicked vanities. No mention whatever is made of Cobham's "arrogance," except in so far as it might be collected from his expressions. T. Walsingham's account is taken in every particular from the sentence (*Hist. Ang.* 426; *Ypod. Neust.* 179). It must be added, that the whole evidence in Cobham's favour and against his persecutors rests on their own statements.

NOTE XXVIII.—p. 80.

A minute examination of T. Wals. lends little credit to his testimony, if, indeed, he really meant to give it against Cobham. That noted enemy of the Lollards is most cautious how he charges them with any secular offence. That the King received the secret information from some of the conspirators, he affirms broadly: But though no doubt exists that he received secret information, yet there is nothing to show that it proceeded from the conspirators. It is perfectly possible that the enemies of the Lollards gave the information, knowing of a meeting about to be held. All the rest in T. Wals. is given as rumour—"ut ferebatur," "prout fertur," "qui dicebatur conspirasse in destructionem regis," &c.—*Hist. Ang.* 431; *Ypod. Neust.* 183. Next—meagre as T. Walsingham's story is, the improbability of its being true in some particulars may be taken to discredit the whole. He speaks of crowds coming from almost every county in England, "collected by promises of pay to assemble at the same day and hour" (430); a movement at any time of the utmost difficulty, and in those days of imperfect communication absolutely impossible. The reason given by T. Wals. for the

King's preferring to attack in the night, is for fear the rioters should destroy the monastery of St. Alban's, twenty miles off, as well as those of Westminster and St. Paul's. He describes the crowds collected from all England as in consternation (*consternatio*) at not being joined by the Londoners. Again—he states that it was reported (*prout fertur*) that had not the gates been closed 50,000 would have gone out against the King, whereas the population of the city could not at that time have furnished half the number of men able to bear arms, had the whole been Lollards; not to mention that a report of the numbers that *would have* joined is more than suspicious. He tells us of a person at Dunstable, a supposed follower of Cobham, who was not only to have been made a knight by him, for which ceremony he had his spurs ready, but also created Earl of Hertford, with a grant of the monastery lands of St. Alban's; there being found upon him a list of the monks, obtained from the Precentor, for the purpose of killing them—as if they could not have been killed without a list, when the tonsure and dress at once showed the monk.

Fuller (*Church Hist.*, *cent.* xv. p. 168), though he notes the very suspicious circumstance of 20,000 being said to have assembled, and only three of the whole being named, yet will not venture to decide either way. What weighs with him is the Record and the Act of Parliament. But to say nothing of the facility with which the ruling party in those times obtained Acts of Parliament, as the whole reigns of Richard II., Henry IV., and Henry VI. show, nothing can be more suspicious than the record on which the Act proceeds, and on which Fuller's doubt hangs.

If the Rolls are correct both in the transcribing and the printing, there is nearly an end of the question. The *teste* of the Special Commission is the *Wednesday next after Epiphany* —the indictment lays the offence as committed (the overt act by assembling) on the same day. But passing that over, although the pardons all state the offence as committed on Wednesday, 10th January (*Rym.* ix. 171, 219), Epiphany in 1414 fell on

Saturday. Therefore the Special Commission issued on Wednesday, 10th. The proclamation against Cobham sets forth that the prisoners were on the 11th of January lying under sentence—*ad mortem judicati;* and this is true, as they only suffered on the 12th. But then if there was any real trial, how could the bill be found by the Grand Jury which is set out in the Special Commission, and the petty jury be summoned, and the trial had, all on the day the commission bears date? Even if the conviction took place the day after, and on the same day the proclamation issued, the difficulty is but little removed. The assemblage took place on Sunday, 7th January, at night; the prisoners were taken early on Monday, the 8th, and sent to gaol. A bill must have been preferred and found on the next day, a commission issued the day after, and on the same or the following day the 27 or 39 prisoners, including three men of distinction, tried and convicted. Then at least some were burnt as heretics, and all are said to have been convicted of heresy as well as treason. How was their heresy tried? The Spiritual Court is not pretended even to have been assembled; and if it had, assuredly its proceedings could not have been brought within the compass of a day or two. We have the spiritual sentence against Cobham, and that sentence is inserted in the act attainting him. Against Acton, Browne, and Beverly we have no sentence whatever. Were all the prisoners considered to be persons who had comforted and abetted Cobham after his conviction, because some of the mob said Cobham was their leader? But even then, the sentence against them forming part of Cobham's is only excommunication, and not delivering them over to the secular arm. If all these things had been duly considered by historians, they would have seen far more reason than they appear to have had for doubting that there ever even existed a record until Cobham being taken was to be attainted, and for questioning if there ever was a trial.

But some historians take the opposite side, and hold it clear that there was a conspiracy and an insurrection. The habitual carelessness (not to say bad faith) of Mr. Hume seems on this

subject to have surpassed itself. He says—"the designs of the conspirators were rendered certain both from the evidence at the trial and the confessions of the conspirators themselves" (*Hist.*, chap. xix.). For this he cites Cotton, Ab. 554; Hall, 35; and Hol. 544.

Now, not one of these authorities at all bears him out. Neither they, nor any other, nor any record, make the least mention of a trial having ever been had, or evidence given, if we except the Royal proclamation, which only says, the prisoners lay under sentence; and the pardons to others than those executed in January, which state that they were convicted (*Rym.* ix. 90, 170, 293).

Cotton merely gives a short statement of the entry in the Parliament roll, which states nothing of trial, conviction, or confession, but only Cobham's outlawry. Hall says nothing of trial, evidence, or confession, except that some of the rioters "brought into the King's presence declared the causes of their commocion and rysing, accusing a great number of their sect." But he not only says nothing of what it was they so declared, but he adds that not having seen the confession he could say nothing of it. He then mentions the various accounts which different men had given of the matter, as that the prisoners were punished for aiding Cobham's escape, that it was all a fiction of the clergy, that all is not as true as gospel, &c. No one who reads Hall can doubt that his opinion leans that way. Lastly, Holinshed says that "the captives brought before the King declared the causes;" or nearly in Hall's words, and not stating what the causes were. But suppose we admit that he means the conspiracy alleged, he refers to T. Wals. as his authority, and that writer says not a word of any confession by the prisoners, either when tried or when brought before the King; all he says is that when asked whom they were going to join, some said Lord Cobham. Hume's statement, therefore, is a mere fiction, and wholly unsupported by the authorities which he cites. The story of any evidence being adduced at all is a pure fable. The story of anything to be called a confession is equally fabulous. There is but one

mention of any such thing in the record, if record it can be called. The pardon issued at the end of March, after the execution, states that persons convicted had confessed (notorie confessi fuerint), *Rym.* ix. 119. But it is most suspicious that not a word of this confession is to be found in the earlier proclamation, that of 11th of January, nor in the subsequent act attainting Cobham.

Dr. Lingard (iii. 330), though a Roman Catholic, and writing under a strong prejudice against Cobham, will only venture to say that "the object of the leaders was, *if* we may credit royal proclamations and parliamentary records," &c. Yet even he forgets that these records contain only an indictment and no other proof, or, indeed, statement whatever, except the outlawry of one man never tried or convicted; nay, that the records do not set forth any trial or conviction of any person. The proof of any trial ever having taken place rests upon the proclamations only. These state—one, 11th of July, that the parties had been condemned; and several others in November and December following, that different individuals pardoned had pleaded, been tried, and been convicted (*Rym.* ix. 171, 119). In speaking of the numbers assembled, Dr. Lingard (iii. 336) says, "they were calculated to amount to 20,000." By whom calculated? His only authority is the indictment, and Cotton reads 20,000 to be an error, and says only 20 were present, in which he is probably mistaken. But Dr. Lingard ought to have known that such an averment in the indictment was immaterial. In modern criminal pleadings it is usually laid "with divers others." But be it so or not, the averment proves nothing. Dr. Lingard should also have noted the extremely suspicious circumstances of the whole proceeding, especially the privacy of it.

No student of history can adequately express his gratitude to the learned, able, and truly interesting researches of Mr. Brodie, by which other portions of Mr. Hume's History are sifted and discredited. Mr. John Allen's controversies with Dr. Lingard also shed a useful light on many passages of our historical antiquities.

NOTE XXIX.—p. 82.

T. Walsingham gives all these things as rumours which he credits, with his usual "fertur" and "dicebatur." His account of Cobham's supposed concealment is curious enough, and betrays its own absurdity. He was obliged, it says, to change his hiding place; so he came to St. Alban's under the very eye of his bitter and powerful adversary. He there remained some days with a peasant, "habentis ibidem idoneam mansionem" (*Hist. Ang.*, 477). To make the whole more credible, all three things are said to have happened at the same time—the interview at Pontefract, the affair at St. Alban's, and the real scene in Wales.

NOTE XXX.—p. 83.

T. Wals., *Hist. Ang.*, 448. He must be read with the Record or Rot. Par. iv. 107, which checks him, but makes no mention of what Cobham did say upon the chief-justice interrupting him. T. Walsingham says of this that when he preached (predicavit) of Divine Mercy, and the duty of the lords to imitate it, the chief-justice reminded the Regent, who presided, not to suffer the prisoner "inaniter tempus terere et assistentes regni proceres molestare," this magistrate holding it an idle waste of time that the judges of a man already convicted and asked what he could offer in mitigation or in arrest of judgment, should allow him to be heard in his own behalf.

NOTE XXXI.—p. 90.

Neither of the opinions adopted by historians as to the origin of this war appear to be tenable. Hall, Holinshed, Fabyan, and after them Goodwin, Hume (Hist. c. xix.), and Duck. *Life of Chichele* (who, however, had access to other materials), all describe the war as an invention of the clergy for the purpose of

occupying the King and saving their own revenues menaced by the Lollard party. On the other hand, Dr. Lingard (iii. 337) takes no notice whatever of the clerical interference, as if he considered the whole to be a fiction; and certainly both T. Walsingham and Hardinge are silent upon the subject, as is a much later writer, Stow. The Polychronicon steers a middle course, not like the first set of authorities ascribing the whole to the clergy, nor like the last denying their interference altogether, but giving it as certain that they encouraged Henry, and stating it as reported that they had set him on for their own objects.

It seems quite certain that the account given by the first set of writers, Hall, Holinshed, Fabyan, and followed by later authorities, is a great exaggeration. The minute description of the speeches, especially in Hall, must be in a great measure fictitious. They do not distinctly tell us where the discussion took place. The King's own inclinations were well known long before the attempt made at Leicester by the Lollard party, and what makes an end of this system altogether, we know that the negotiation had been going on nine months before. The account of the demand made of the French crown and provinces is given in Rymer (ix. 209), where we have an official transcript of a protocol, the discussions recorded in which took place as early as August, 1413. There is in the Records always an obscurity as to dates, arising from the fractional part of the year, according to the difference of the styles, and some have supposed that the August in which the first demand is said (*Rym.* ix. 209) to have been made was August, 1414, and not 1413. But this is impossible; for the introduction to the transumpt (*Rym.* ix. 208) states the demand of it to have been made 12th of January, 1415, and then sets forth claims as made by the English ambassadors February, 1414; and the claim is then set forth as having been made of the Duke de Berri on the part of France in payment of the last year; and accordingly that and the reply of the ambassador are given, dated 13th of March, 1414, so that it is impossible the 1414 twice mentioned should mean 1415, and August refer to 1414, because the date of 12th of

January, 1414, precludes the giving of any documents dated February and March, 1415. It is true that we have no powers to the English ambassadors so early as August, 1413, nor any safe-conduct of that period. But we have (*Rym.* ix. 34) the appointment and powers of ambassadors 14th of January, 1413, to the Duke of Burgundy to treat of alliance as well as peace—and at that time he was in possession of the chief power in France—so that the demand may have been made before he was driven out. The argument, however, against the opinion we are considering, is as strong, if, instead of August, 1413, we only take the negotiation and demand of Catherine to have been made in January, 1414, and of that, *at the latest*, we are certain by the first promise not to marry any but Catherine; it bears date 28th of January, 1414, long before the parliament at Leicester (*Rym.* ix. 103).

On the other hand, we are not authorized to reject the whole account given by so many old writers, and which labours under no load of improbability. The silence of T. Walsingham is by no means a sufficient ground for rejecting it, because these are the kind of facts which that chronicler is least curious in detailing, and also because whatever might do honour to Chichele (which he was sure to think this would) he might be inclined to omit when not essential to his history. His prejudice against the primate was founded on his known hatred of the monks—"*bilem suam*," as he terms it (*Hist.* 433).

The speeches set down, especially in Hall, are plainly exaggerations. The primate is made to say, "Wherefore avance forth your banner, fighte for your ryghte, conquer your inheritance, spare nor sworde, blud or fyre; your warre is just, your cause is good, and your clame true; and therefore, conquerors, set forward your warre against your enemies" (52). Perhaps, however, in those days a Christian pastor was allowed to hold such language without incurring any blame. The primate cites, or is made to cite, many authorities, sacred and profane, against the Salic law; among others our Saviour deriving his title to the kingdom of Judah through his mother (52).

NOTE XXXII.—p. 92.

My reason for believing that the clergy made such an attempt is, that we find a distinct statement by some writers that a law was passed forbidding, under pain of death, the use of the translation of the Bible, with particulars of the enactments. Bale (*Harl. Misc.* ii. 275) says that the act made it death to read the Scriptures in the mother tongue, "called Wycliffe's learning," and that the benefit of sanctuary was denied to such offenders. He gives the first words of the act, which, however, are those of the statute 2 Hen. V. c. 7, and it contains no such provision. Walden (*ad Papam*) gives the same account of the supposed act. He says that many suffered under it, and mentions Aston and Badly, who both suffered for heresy under the statute of Henry IV. Goodwin (*Life Hen. V.* 39) follows these authorities. The probability is that a bill to this effect was presented and rejected, or possibly the attempt failed to have such a bill even presented.

NOTE XXXIII.—p. 95.—*On the Burgundian Intrigue.*

This is one of the most obscure passages in the history of the times, if we confine our remarks to the published documents—at least to those which are in most men's hands. Three instruments remain under the King's hand, all tested and dated at Leicester, 4th of June, 1414. The *first* is the appointment of Lord le Scroop of Masham, Henry's confidant, and four others as ambassadors to treat with "his dearest cousin John Duke of Burgundy, Count of Flanders," four ambassadors being stated to have arrived from him to treat of alliance and of the King's marriage "with the Lady Catherine, our said cousin's daughter." This instrument gives the ambassadors full powers to contract the marriage "per verba de presenti," and in all other ways. The *second* contains full powers to make alliances with the Duke; and the *third* empowers them to receive the Duke's homage

and fealty as the King's vassal; it is not specified for what holding (*Rym.* ix. 136).

There are only three suppositions upon which this negotiation can be explained or understood. It may be, as it purports, a negotiation for the marriage of Henry with Catherine of Burgundy, the Duke joining him against France, and holding his fiefs as a vassal of France, not of the French crown, but of Henry, the competitor for the crown; and this system requires no supposition of an error in the date or in the tenor of the instruments;—or it may be that these were executed in 1413 instead of 1414, and the lady is misdescribed as the Duke's daughter;—or it may be that, though the date is right, the lady is misdescribed. The death of Le Scroop in August, 1415, makes it impossible that the negotiation should have taken place after the successes of the war; and there is nothing in the relative position of the parties which can point to 1415 rather than 1413.

1. The argument against the first hypothesis is, that it imputes the grossest treachery to Henry; for he had only five days before, namely 31st of May, 1414, given full powers to the Bishops of Durham and Norwich and five others, his ambassadors, to treat with the French King (*adversarius noster*) for peace, and for his marriage with the Lady Catherine, "our said adversary's daughter," and he had bound himself several times before that date to marry no other woman but her before a time not expired on the 4th of June—namely, before St. John's day, 24th of June—and he afterwards on the 18th of June further extended the period within which he should not marry to the 1st of August, which again was on the 22nd of June extended to whichever day his ambassadors might name, in case there should be any delay in concluding the treaty (*Rym.* ix. 103. 131. 140). It is also to be observed that no historian in common vogue makes any specific mention of this offer of Catherine of Burgundy's hand by her father.

On the other hand the instruments in question are all dated at Leicester, where Henry was, at least immediately before their date, holding his parliament. Nothing, indeed, appears to have

been done there after Tuesday the 29th of May (*Rot. Par.* iv. 174), the meeting having been Monday the 30th of April; and it is certain that a writ issued at Leicester bears date 30th of May (*Rym.* ix. 131), and another at Westminster 31st May (*id.* 133), with two on the 1st and 2nd June respectively, also at Westminster (*id.* 133-5). But then we have safe-conducts for the Duke's ambassadors in January and April of that year (*id.* 120. 112); and it appears from a warrant of Privy Seal to the Exchequer, dated expressly 7th of December, 2 Hen. V.—that is, 1414 (the safe-conducts having no year, *id.* 189), that a sum is issued to repay R. Leeche, treasurer of the household, the expenses he had incurred for the Duke of Burgundy's ambassadors between 19th of April and 11th of June, and there is another item in the same warrant for expenses of one of the Duke's people incurred at Leicester during four days of June. Thus it is certain that those persons were then at Leicester, and consequently the three instruments under consideration might well bear that date, the King remaining a day or two after the prorogation. So that the mere want of any entry on the Rolls after the 30th of May cannot be taken as a proof that the prorogation took place before June.

2. The second supposition is nearly disposed of by these important particulars respecting the dates. But it may still be suggested that the negotiation was in 1413, and that the King was then at Leicester. The inducement to make this supposition is that in June, 1413, the Burgundian had succeeded in seizing the government at Paris, which he held from the 28th of April till late in July of that year (*Mezeray*, i. 1002; *Art de vérifier les Dates*, i. 606; *Rym.* ix. 51), and so he may have treated with Henry as Charles VI. had been doing, and may have called the Lady Catherine his daughter, he being head of the government, as if he had said Daughter of France. There is, however, almost insurmountable difficulty in this hypothesis; for we have no proof whatever of any negotiation with Charles VI. touching the marriage before August, 1413 (*Rym.* ix. 212). Moreover, the ambassadors employed in England to treat with France are wholly different from those employed to treat with the Burgundian;

and lastly, the treaty with him was to be of alliance and doing homage.

3. The third hypothesis is barely possible. It gets over the question of the dates, and only assumes an error in the description of Catherine. But there is a very formidable difficulty in the way of our adopting it, for the Burgundian in the year 1414 was wholly removed from power in France. He had been repulsed in an attempt, ill contrived with his son-in-law the Dauphin, to enter Paris; the Dauphin had even abandoned him and joined the Orleans party on finding the Duke's influence failing; John's partisans, the Paris mob, had been disarmed; he had himself been pursued into his Flemish states by the French King, or those then acting in his name, at the head of a powerful force which entirely ravaged the Burgundian territories; his own brother Nevers had left his party; the loss of Arras, his capital in Artois, had only been prevented by the forbearance of his son-in-law the Dauphin, who desired to humble but not to destroy him; peace had been granted to him on the express condition of his making neither truce nor treaty with England on pain of death; and finally the Dauphin had been declared Regent of France (*Mez.*, i. 998. 1003, 1004; *P. Daniel*). This most unprincipled man, therefore, at length humbled, could in 1414 take no step whatever with respect to Catherine of France; nor was he ever likely to prove a very powerful ally to Henry, whose main object in treating with him must have been to prevent an attack on Calais while he made his inroad into Normandy, and to obtain his support and fealty if he should succeed against Charles—so that the negotiation for Catherine of France's hand was impossible at the time in question, though there was sufficient inducement to treat for the Burgundian's neutrality and ultimate alliance.

But it is certain that the Duke had a daughter named Catherine. She had been, by the Treaty of Chartres in 1409, promised to the Count de Vertues, one of Orleans' sons. In the following year she was betrothed—some have said married—(*L'Art de vérifier les Dates*, ii. 518) to Louis of Anjou, son of the titular

King of Sicily, then a child of seven years old (Rel. de St. Denys, liv. xxxiii. c. 18). She certainly was delivered over by her father to that Prince's family, but some time after, probably three years (*Juv. des Urs.*, 203, 267; *Monst.*, ch. cxii. and lxi.), she was sent back, it clearly appears, unmarried, and she died some years later at Ghent unmarried. From the dates of the Burgundian's own marriage, 9th of April, 1385, and of the births of his children, Catherine being the fourth, and from the fact that she died at the age of thirty-two, it is certain that she was alive after 1414 (*Dom Planchet*, iii. 553; *L'Art de vérifier les Dates*, ii. 515-8; *Monstrel.*, ch. cxii.). Monstrelet, with his known inaccuracy as to dates (ch. civ.), makes the Burgundian when in Paris (May, 1413) exceedingly hurt at the Count de Vertues' going off to Orleans, because he hoped to marry him to his daughter, who yet had in 1410 been sent to Angers to be married to Louis of Anjou (a Guise) by Monstrelet's own account (ch. lxi.), and was only sent back the 20th of November, 1413, as he says ch. cxii.

Two other circumstances may be stated, bearing in the same direction. *First*, there was evidently great jealousy of the Burgundian's intrigues with England, especially of his marrying one of his daughters to an English prince. In November, 1413, the French King sent an embassy to him requiring certain cessions, and further that he would on no account treat with England for the marriage of his daughter or otherwise. Several edicts were also published during that winter, evincing extreme anxiety for preserving the peace lately made, and manifestly pointed against the Duke, who in an elaborate defence seems to justify himself before the King (*Monstrel.*, ch. cxii.). In the spring following he made his last attempt upon Paris, when the Dauphin, in his hostility to his mother, with his accustomed vacillation, first invited the Burgundian thither, and then suddenly repented of what he had done. The Duke, therefore, when he had got as far as St. Denys, finding even his own mob refusing to support him, marched back.

Secondly. Towards the end of the last reign, February, 1412,

the Burgundian had sent an embassy to Henry IV. to treat of alliance, and to offer the Prince of Wales one of his daughters, the Princess Anne, afterwards married to the Duke of Bedford (*Rym.* viii. 721).

The persons specified as the Burgundian ambassadors may be regarded as an additional proof that it was not in his capacity of a French ruler that he negotiated with Henry V., for they are plainly designated as Flemings.

A subsequent negotiation took place on the eve of the expedition against France, to which the unprincipled Burgundian had apparently consented, and it led to his neutrality, as we shall presently see (*Rym.* ix. 304, 10 *Aug.* 1415).

Beside those already referred to, we find other traces of the Burgundy intrigue, though no specific mention of Catherine's hand. T. Wals. (*Hist. Ang.* 432; *Ypod. Neust.* 184) says that at Leicester there came both ambassadors from France and Burgundy, the Duke desiring to strengthen himself against the Orleans or Armagnac party, and "promising more than he could perform," and that Henry sent messages to him in return. Monstrelet, too, a contemporary writer, and though leaning so much towards the party as to pass for a Burgundian (which, however, is denied by Dacier, Mém. Acad. des Inscriptions, xliii.), tells us (ch. cix.) that in September or October, 1413, Henry sent an embassy to the Duke to treat of marrying his daughter, though he was then in treaty with France on the same subject; and that soon after All Saints (1st Nov.) the same year the King of France sent to forbid any such treaty (ch. cx.); and certainly the Duke defends himself from the charge of offering Henry his daughter with a dower of Cherbourg and Caen, in his detailed vindication from many true charges, dated 16th Nov. 1413 (ch. cxii.). Now this date is inconsistent with the statement of Monstrelet, that Catherine was only sent back to her father 20th of November. But Monstrelet is never to be trusted as to any date; though, except in his chronology, there is generally no impeachment of his accuracy. It is also possible that another daughter might be in contemplation.

The History of Burgundy by Dom Planchet (1748) is a work of high authority, having been compiled by the author, a friar of Dijon, from original papers and archives. In tom. iii. p. 409, we find it stated that a treaty was concluded at Lancaster (evidently Leicester) between Henry and the Burgundian, binding the former to send 2000 archers and 500 men-at-arms to the assistance of the latter in his war with the Dauphin, and stipulating that Henry should have in marriage either of his daughters, Catherine aged 13, or Anne aged 11; that he preferred Catherine on the report of the Burgundian ambassadors, and soon after sent an embassy to treat in his name. His proxy is given, and is dated 4th June, 1414. The historian adds that the result of this embassy is not known.

But there exists in the MSS. among the archives of the Bib. du Roi at Paris the draft of a treaty (*Tabula Fœderis*) entered into at Leicester, 23rd May, 1414, between Henry and Burgundy. The ambassadors on Henry's part were the Bishop of St. Asaph and Le Scroop. The Duke's ambassador proposed two daughters. Henry says he prefers Catherine; but because no one has seen her on his part, he wishes to postpone the final decision till other matters are settled. The Duke offers to serve Henry in seizing the country of France, excepting Alençon, Albret, Bourbon, and Berri—to divide the spoil "*like brothers*," pro ratâ of the forces employed by each. The Burgundian ambassadors propose that Henry should send ambassadors to see Catherine, and with full powers. This is agreed to. A treaty is afterwards made at Ypres, 7th Aug., 1414, between the same parties, and refers to the demand made by Henry, that if he should attempt to seize the kingdom and crown, the Burgundian should with his people offer no obstacle, and states the latter's acquiescence. It is to be observed that the very next day, 8th Aug., 1414, Henry's embassy to the French King is sent to ask Catherine of France's hand, and the duchy of Guienne and county of Ponthieu. The Duke de Berri's answer was, that neither the King (Charles VI.) nor Dauphin were at Paris (Croniques de Gestes advenues au Royaume du temps de Charles VI.).

Upon the whole, I fear we must admit that the balance inclines very strongly to the first hypothesis, and against the good faith of Henry, even upon the authority of the contemporary writers and documents already before the world. But there are more direct proofs, which appear to remove all doubt from the question, as we have just seen.

The length to which this discussion has extended is necessary to the forming a just estimate of Henry's character, and, indeed, to the obtaining an accurate view of the morality of the times. It proves that this prince, whose frank, generous nature has so much won for his memory the respect of the people, was engaged in a perfidious intrigue with the most profligate and unprincipled personage of the age—a man stained with the blood of his nearest kinsman, and, if possible, more infamous for his shameless avowal of the murder, and his impudent justification of it—an intrigue, too, in which Henry is proved to have sought the hand of one princess in marriage, pledging his royal word to marry no other until she was refused him, and to have on the same day accepted the offer of another princess's hand in order to gain her father's assistance in an unjust war.

Respecting the conduct of the Burgundian, history leaves no doubt whatever, except only such as rests upon some imputations, as upon some against our Richard III., which we are cautioned to doubt because of the general tendency to believe everything that is laid to his charge. To this class belongs the report that he had caused his son-in-law the Dauphin Louis to be poisoned. Of the state to which his intrigues and his violence had reduced Paris when he obtained the mastery we have a most touching description in the French King's letter to Henry, 18th September, 1413 (Rym. ix. 51). One passage is remarkable for its description of Paris as it then was and has occasionally been since, in language borrowed with a slight variation from the classics (Sall. Cat. xxxvii.):—"Nam semper in civitate quibus opes nullæ sunt, bonis invident, malos extollunt, vetera odere, nova exoptant, odio suarum rerum omnia mutare et miscere studeant. Turba et seditiones sine cura aluntur." The effect pro-

duced on Henry by the sad story of his royal brother was only to encourage his intrigue with the wrong-doer and his attacks upon the injured party. (See Note LXII. infra.)

NOTE XXXIV.—p. 104.

Stow misplaces the conference at Winchester.—Monstrelet gives the Primate's speech as perfectly offensive, demanding on Henry's part the duchies of Aquitaine and Normandy, with Anjou, Poitou, Tours, Ponthieu, and Maine, under the threat of despoiling the whole kingdom, and by his sword depriving Charles of his crown: to all which Henry assented and promised he would so act, on the word of a king. But Stow makes the Archbishop of Bourges only lecture Henry on his unjust project of shedding much blood, and affirm that the large offers made by France were for peace-sake alone. Monstrelet makes the Archbishop conclude with a warning that Henry was rushing to his own destruction, and that if captured he would be put to death. (Ch. cxl.)

NOTE XXXV.—p. 115.

The English historians are fond of describing Henry as having prevented all complaints of the inhabitants by paying for what he took and prohibiting plunder. They give one instance of a soldier having been hanged for it, but it was for the sacrilege of stealing the pix from a church and eating the Eucharist; and the same authors distinctly state, forgetting their panegyric, that on his march to Agincourt "he burnt villages, taking great booties." (Hall, 63, 64; Hol. iii. 75, 77; see too, Monst. ch. cxliii.)

NOTE XXXVI.—p. 120.

As many as 14,000 are stated by some authorities to have been put to death (Juv. des Ursins, 312). This is probably an exaggeration; but that they were very numerous is evident, if we have the least confidence in Henry's humanity, his only excuse being their formidable numbers. It is rather remarkable that Hardynge, who was present at the battle "with his maister," Sir R. Umfraville, represents the massacre as having taken place after the battle, and on a false alarm of a new enemy coming up, for which, he says, "thei slew all prisoners downright sauf Dukes and Erles in fell and cruel wise" (375). We know that a force of 6000 were on their march to join the Constable under the Duke of Brittany, and arrived the day after the battle. Another body of 600 appears to have come up the night of the battle. (Monstrelet, ch. cxlviii.)

The following is the description of this frightful massacre given by Hall, 70:—"When this dolorous decree and piteous proclamation was pronounced, pitie it was to see, and lothesome it was to behold, how some Frenchmen were sodenly stricked with daggers; some were brained with poll axes, some were slaine with malles, others had theyre throtes cut, and some their belles paunched; soe that in effecte, havynge respect to the great numbere, few prisoners or none were saved." Another writer (Good. 88) thus describes the effect of the stakes in the battle itself:—"It was a dredful spectacle to see the number of men and horses thus gored, some struck through their bodies, some hanging by an arm or a thigh and groaning in torture, unable either to help themselves or their companions. The clattering of the armour of so many men tumbling in heaps, the glancing which so many thousand arrows made in falling on steel helmets, breastplates, or grieves, the cries of wounded and groans of dying men, made a hideous noise, equal to the horrors of the sight."

The Rel. de St. Denys makes the French numbers at Agincourt four times those of the English (lib. xxxvi. cap. 8). He

also affirms that there was before the battle an offer by the English to pay all the damage done in their invasion, as well as to restore all the places they had taken, provided they were allowed freely to return to England. He is far from being partial to the French. He charges their cowardice as the cause of their losses—describing the general contempt into which their chivalry had fallen :—"Milicia Gallicana cunctis alienigenis facta est in derisum et sibilum, et versa est in eorum cantilena tota die." (ch. 6.) The folly of the French in attacking at Agincourt, and not following "sound and discreet counsel," is the subject of ch. 9—"in aggressû præcipiti et confuso, ac ignominiosâ fugâ." He states the killing of the prisoners as having been ordered by Henry in consequence of a mistake that some thirty gendarmes who were flying, were about to renew the attack (ch. 8). According to him the King and the nobles purchased from the soldiers, artisans, and common people the prisoners they had made, for the purpose of gaining by their ransom (ch. 10).

Note XXXVII.—p. 121.

J. le Maingre, Maréchal de Boucicault, who was second in command at Agincourt, was a distinguished person in that age, as appears from the history of him, by a contemporary unknown, which Theod. Godefroy published in 1620, entitled "Le Livre des Faicts du bon Messire Jean le Maingre, dit Boucicaut, Mareschal de France." It only comes down to 1408. He died a prisoner in England in 1421. He had served in Hungary against the Turks; then in Guyenne; afterwards under the Emperor of Constantinople against the Turks; and he was then chosen Governor of Genoa when under the French.

NOTE XXXVIII.—p. 124.

In the French king's library there is a MS. containing the proceedings in a suit of Gaucourt against Destoutville. Gaucourt had been taken prisoner at Hurfleur, and was retained in order to obtain ransom from him, the ordinary course of proceeding in those predatory wars. "Many of us," he says, "being prisoners, Henry allowed us to remain at large on promise of joining him at Calais at Martinmas. Afterwards I came from thence to England, and endeavoured to obtain my release, and return to France. I was suffered to go on account of my illness." Henry complained of having lost several of his jewels at Agincourt, and promised to release all the prisoners if Gaucourt could find the jewels. The crown of England was among them, and the cross, with a piece of the true cross, and the Chancery seal. He says he made sure of recovering all the property, though its being dispersed in different hands made it difficult. He returned after making search, and told Henry that he doubted not ultimately succeeding. He offered to bring them all over, with two casks of Beaune wine (Burgundy), together with 120 to 140 English prisoners, if Henry would release him as he had promised. But the King proved too crafty for him. "Come to London," said he, "and I will consider your release." Gaucourt consulted his friends, and all thought that his only chance was bringing over the jewels and prisoners at once. He accordingly bought clothing for the prisoners at his own cost, hired a ship, and conveyed all—jewels, prisoners, and wine; and all were landed safe at the Tower. After this Henry never would once see him, nor give him a farthing of money. He afterwards found that Henry had ransomed the prisoners at prices fixed by himself. Gaucourt's claim against Destoutville is for his moiety of 14,000 crowns, which the English king's conduct had cost him, and for which loss he contended Destoutville was answerable with him.

NOTE XXXIX.—p. 130.

The exaggerations of some, as T. Walsingham, in describing the expedition from Harfleur, and of most writers, but not T. Walsingham, in their accounts of the sea fight, expose and contradict themselves. Thus T. Walsingham, p. 441, says there were 15,000 French and only 1500 English in the Harfleur battle, and he describes the attack as begun by Armagnac, while all others state the plundering expedition of Exeter as giving rise to the engagement. He very slightly mentions the sea fight, and only says that the French vessels having molested our coasts for some time, it became necessary to oppose them by the king's brother, who took eight, of which the three largest escaped. Hardynge, c. 216, gives 20,000 as the number of French killed or taken prisoners—it is hard to say which, for he uses both expressions within seven lines, if indeed "*taken*" be not an error for "*slain.*" But after their utter destruction he makes the French avail themselves of a calm to attack the English fleet night and day with "wilde fyre." Holinshed (iii. 85) describes the whole French navy as either sunk or captured in the engagement, but he also mentions the resistance made next day by "certain French gallies" to the English entering and victualling the town. T. Liv. (p. 26) only relates the victory as having put the enemy's ships to flight, and not as having taken or sunk above three or four. T. Elm. (p. 82) does not widely differ from this account. Stow (iii. 52) gives no account of Bedford's expedition at all; but in relating Huntington's the year after, he confounds it with Bedford's so far as to make its object the relief of Harfleur, and to represent Henry as at one time intending to command it. Monst. (c. clxv.) says that 800 English were slain in Exeter's (Dorset's) predatory inroad. The Polychron. (cccxxx.) only states the number of the French fleet at 57, and that three were taken, one destroyed, and the rest fled. Mr. Hume has neither mentioned Exeter's expedition nor his repulse and subsequent success, nor the siege of

Harfleur and its relief by Bedford's naval victory. He is, however, quite correct in his remarks on Henry's invasion, and in his comparison of the three victories, Crécy, Poictiers, and Agincourt; all these inroads he truly describes as mere predatory incursions, and the victories to which the English owed their escape from apparently inevitable destruction as only occasioned by the gross errors of the French captains. In fact, Henry's success two years after was owing not to his first invasion, but to the accidents which had arisen to increase the distractions of the French court.

NOTE XL.—p. 133.

There were, of course, many loans contracted by former kings; but these were chiefly on their own personal security, or by pledges of their property or the property of the crown, as we have seen that Henry pawned the crown jewels and even the crown itself. The necessities of war had also put the Parliament, as well as the King, upon many shifts. Thus in 14 Ed. III. money was borrowed by the King upon the 20,000 bags of wool granted to him by Parliament (Rot. Par. ii. 119-121). In the 20 Ed. III. a subsidy was granted, the merchants having advanced money upon it; the entry is made on the roll that the grant could not be repealed without the consent of Parliament, meaning that the merchants could not be deprived of their security by the Crown giving up the subsidy (Rot. Par. ii. 161). But this does not amount to a parliamentary pledging or mortgaging of the revenue granted. In 50 Ed. III. Latymer was impeached for borrowing 20,000 marks for the King and binding him to repay 30,000, and also for having shared in the enormous profit (*ib.* 325). Merchants were in the same reign allowed to export the wool duty free, until thus repaid the money lent by them (*ib.* 444). In 5 Rich. II. one of the causes assigned in the speech for assembling the Parliament is, that the merchants being applied to for a loan, refused to advance their money

without parliamentary security (Rot. Par. iii. 121). But the first regular mortgaging of a subsidy which I can find is that referred to in the text, 4 Henry V. The entry on the roll (Rot. Par. iv. 95, 96) purports to bind the King, and his three brothers in case of his decease, in the presence of the prelates, peers, and commoners whose names are underwritten for more solemnity. The security of the lenders was to be by writs under the Great Seal made for the several sums advanced, whether by abbeys, princes, bishops, towns, or individuals.

There is considerable obscurity and some uncertainty respecting the nature of tenths and fifteenths. The other fractions, as nones or 9ths, sometimes 20ths, sometimes 8ths, and once 14ths, soon sunk in the regular 10ths and 15ths. It seems to be thought by some that 10ths were of landed rents and profits, 15ths of personal property; but for this supposition there is not any foundation. In fact, R. Hoveden (vi. 42), when relating the first assessment of the kind in Henry II.'s time, expressly states it to be "de mobilibus." Then, if both 10ths and 15ths are assessments on moveables, why should they be granted together? It is possible that they were originally granted on different kinds of property, and afterwards continued in conjunction when granted on the same kinds of property, instead of one grant of 1-6th; but this is not very likely. I take the fact to be this:—We find that they were given originally, the one on country owners or inhabitants, the other on city or borough inhabitants. The former were rated at 1-15th of their personal property, the latter at 1-10th, perhaps because of the feudal services of the country folk, afterwards commuted for scutage. Of these there were exempted all whose personal property was under 10*s.*, of the town folk all whose property was under 6*s.* For many years the terms of the grant kept up the distinction: thus in 8 Ed. III., 1-10th is expressly granted on persons within cities and boroughs, and 1-15th on those in the country (Rot. Par. ii. 447). So 2-10ths and 2-15ths were granted in the same way in 1 Rich. II. (Rot. Par. iii. 7). But afterwards the Rolls of Parliament only mention 10ths and 15ths indiscriminately, and the first instance

which we find of this is in 7 Rich. II. (Rot. Par. iii. 167). In 6 Ed. III. we find 1-14th de mobilibus and 1-9th de redditibus granted (Rot. Par. ii. 446); but next year, 7 Ed. III., it is 1-10th on cities and 1-15th on counties, and in both it is on the "biens" (Rot. Par. ii. 447).

The assessment made, 8 Ed. III. 1334, was afterwards the rule for these levies, a general survey having been made, and the whole put into a more regular form; so that when afterwards a 10th or a 15th was granted by the Parliament, each town was to pay the sum paid in 8 Ed. III., and collect that sum among its inhabitants by apportioning it.

The clergy appear to have given 1-10th with very few exceptions, of which Rot. Par. iii. 176 would seem to furnish one in Rich. II.'s time, as it looks like the grant of 1-15th. In 11 Hen. IV. the city of Oxford complained that the religious persons there had purchased since 20 Ed. I. lands and tenements, and refused to pay any of the late or future levies granted to the revenue of the city; but they are ordered to pay their 15th on all such purchases (Rot. Par. iii. 645).

NOTE XLI.—p. 135.

There has been considerable inaccuracy in the writers who have made mention of Provisors and Provisions, an important head of our old ecclesiastical and constitutional law. All of them, so far as I know, have represented the claims of the Roman See to presentation as general. Even Blackstone (4 Com. 107) only restricts it apparently to the case of incumbents or patrons dying on their way to Rome or during their residence there. So Hume (ch. xvi.). Dr. Lingard, who might be supposed better informed than others on such a subject, gives no distinct account of it (iii. 151). It might from these authorities be inferred that the Papal claim extended to all benefices; though Dr. Lingard (ii. 310, and also iii. 387) seems to have had some suspicion that this

generality did not belong to it. The truth is, that Provisions were confined exclusively to those dignities and benefices the conferring of which was in the hands of spiritual patrons, as prelates, abbots, chapters. Hence it included bishoprics and other ecclesiastical dignities; but it had no relation to lay patronage, although the vague language in some parts of the Statute of Carlisle (35 Ed. I.) and of the Statute of Provisors (25 Ed. III. St. 4) might seem to countenance such an error. It is possible that the encroaching spirit of Rome might have secretly favoured a design of its legates to extend the claim; but when complaints of the abuse of the right were urged in the reign of Henry III., the Pope (Innocent IV.) explicitly disclaimed all but the restricted claim now stated. Rym. i. 426, 495. *See* too the preamble to the statutes 35 Ed. IV. and 25 Ed. III. St. 4. The statute of Henry IV. extends the former acts to all Provisions which give dispensations, as well as to interference with advowsons.

Note XLII.—p. 143.

It is remarkable that while Hol. (iii. 89), and after him Stow (353), to say nothing of Goodwyn and Hume, have given the whole force as above 25,000, and Juv. des Urs. (337) at 50,000 "combattans," T. Liv. 32, and T. Elm. 92, both state it at 16,400, and the former gives the number brought by each baron, amounting to 2361 horsemen and 6862 archers, adding that the residue, 7177, to make up 16,400, were the King's own retainers and the men he had hired. It is to be noted, however, that this author (T. Liv. 33) expressly says he omits to mention how many attendants came with each of the barons and knights, so that the irregular forces may have been considerable. The whole army was by much the greatest that had ever been sent out of England. At Crécy Edward III. had only 2300 horsemen, 5200 archers, and 1000 Welsh infantry with him; at Poictiers the Black Prince had not above 8000 men, of

whom 2000 were Gascons; and John of Gaunt's army, which went across France, from Calais to Bordeaux, in 1373, was composed of 3000 horse and 10,000 archers. *See* Note LI., infra.

NOTE XLIII.—p. 149.

Dr. Lingard (iii. 362) falls into a great error respecting this negotiation, concerning which we have but little information. He says that Henry demanded the crown in reversion, and the Regency during Charles's life, with the hand of Catherine. He is misled by a protocol of 1419 being misplaced in Rymer ix. 521. The date and the place, Mantes, should have kept him right. Henry never reached Mantes till after the fall of Rouen, July 1419. The demand in that protocol was never made till the negotiation with Duke Philip after Jean-sans-Peur's death. It is equally clear, from the whole state of the facts, that Henry never could have brought forward such a demand at that time, before he had made any considerable progress in the country. Another proof of this being a mistake is derived from the names of the envoys mentioned in the proposition of the 24th of October, really 1419, but supposed by Lingard to be 1417, and erroneously classed by Rymer under the protocols of that year. It mentions the names only of Gilbert Umfraville and John Boteler, and neither of these persons is among the number of those set forth as the envoys in the introductory part stating the powers; but Gilbert Umfraville and a Boteler (James, not John) are employed in the negotiation connected with the Treaty of Arras, 1419 (Rym. ix. 517). Lastly, though it is certain that Henry could not be at Mantes on the 24th of October, 1417, it is equally clear that he was there on the 17th and 27th of October, 1419, for we have two instruments of these dates at Mantes (Rym. ix. 806, 808).

Note XLIV.—p. 150.

Dr. Lingard (iii. 362) states as an undoubted fact that the expedition was undertaken in consequence of an understanding between the Scotch Cabinet and the Lollards, and he cites as his authority T. Wals., Fordun, and T. Elm. The two latter are wholly silent on the subject of any such understanding. T. Wals. (446) alone asserts that Cobham addressed the Scots with promises of large sums of money, and that he met Douglas at Pontefract. We have already shown the absurdity of this story. T. Liv. is wholly silent on any such charge against the Lollards, much as he hated what he terms their "nefarious superstition" (7). It must be observed, too, that Henry himself had some time before received intimation of an attempt from Scotland, against which he warned those whom he left in charge before he sailed in August 1417. He expressly states that this attempt had been set on foot by the Duke of Orleans, who was then a prisoner of war, and whom he therefore desires to be kept in close custody at Pontefract (Let. of Henry V. apud T. Liv., ed. Hearne, p. 99). It is indeed by no means certain that the Scotch expedition took place before Cobham's death. Fordun's inaccuracy, as well as his contempt of dates, is proverbial. He confounds together the campaigns of 1415 and 1417 (ii. 448). T. Liv. (56) mentions Exeter's return so as to make the Scotch inroad appear later. Lingard (iii. 362), from being unacquainted with Scotch antiquities, says of the inroad, "It proved a foul raid," which tells nothing. The fact is, it was called ever after "the foul raid," meaning, the disgraceful incursion. In Hearne's edition of the 'Scotichronicon,' it is in a note called "folle raid," and Harl. MS. (iv. 1186) is cited.

NOTE XLV.—p. 153.

The Statute Roll is certainly the highest evidence of a statute, except where the actual statute remains in the repositories of Parliament, in which case any question arising on the accuracy of the enrolment must be settled by appeal to the original. Now the Statute Roll exists from 1278 (1 Ed. I.) to 1468 (8 Ed. IV.), with the exception of the statutes from 9 to 24 Henry VI., both inclusive; and it contains the statutes made during those two centuries. The Statute Roll from 8 Ed. IV. to 4 Henry VII. was made up, but it is not extant. After 4 Henry VII. it ceased, and from that time the enrolment in Chancery supplies its place—this enrolment having been begun 1 Ric. III. and continued to the present time.

But that statutes were made in early times which do not appear on the Statute Roll seems undeniable, although it is admitted that the Royal assent given to a petition does not certainly show a statute to have been made. The learned Introduction to the Statutes printed by the Record Commissioners 1810–11 lays this down, and perhaps not too broadly (p. xxxvii.). Nevertheless the Commissioners apply to the Rolls of Parliament as one source from which to find statutes not entered on the Statute Roll (p. xxxix.). It would in any case be a strong thing to reject as a statute a prayer of the Commons formally assented to by the King and the Lords, especially when it is admitted that there hangs great obscurity over the distinction between an Ordinance and a Statute. "Whatever has at any time been written on this subject," say the Commissioners, "is contradictory and indistinct" (p. xxxii.).

The Rot. Par., extending from Ed. I. to Henry VII., 1278 to 1503, were first printed by the House of Lords, 1767, in six folio vols., but without any index. A copious index, printed in 1832, has now made more accessible that most important repository of our constitutional history, though neither the book nor the index are as correct as might be desired, and the book cer-

tainly does not contain all the Rolls extant. A remarkable instance of the omission of a statute clearly made in Parliament, but apparently to be found only in the Rot. Par., is given in a subsequent part of the text (p. 237).

NOTE XLVI.—p. 165.

Few things in Henry's history are more discreditable to him than the manner in which he conducted these negotiations. When the French offered a cession of districts of which he had just obtained possession by force, he always urged the objection that these he already held, and these he would keep. Surely it is no invention of modern times, that until the conquests obtained by the sword are ratified by treaty, the temporary possession during war does not permanently confer a rightful title, any more than it gives a permanent security.

But his duplicity, in treating both with the Dauphin and the Burgundian, is worse. While he had any prospect of attaining his object, he never thought of picking holes in the title of either. It was only when his unreasonable demands were refused that he bethought him of that resource, and he did so with respect to both. At Alençon the conference had gone on for about a fortnight; and the objection which, if it meant anything, went to deny the right of the Dauphin to treat at all, was never even alluded to till the day before the conference broke up, when the negotiation was at an end.

There is some mystery in the part borne by two persons named Severac and Guitard at Alençon. They were none of the French envoys, yet they appear to have been in communication with them, though fully more in connection with the English embassy. It was they who told the English envoys that the Dauphin had secretly instructed his representatives to make the offer of Anjou, Touraine, Artois, and Flanders (Rym. ix. 640). Juv. des Urs. (366) manifestly parades his chief's patriotism by suppressing all mention of this instruction, and making the proposal come from

Henry; and so far the protocol bears him out, that the Dauphin's envoys decline it when made. Possibly they set on these two individuals to beguile Henry into granting a truce, on which they seemed much bent, perhaps with a view to the siege of Rouen then going on. The English envoys affirm that they are aware of the Dauphin having given authority to insert a condition in the treaty binding him not to make peace with the Burgundian; and they add that the Dauphin had entreated Henry to come under a like obligation (Rym. ix. 644). He did give instructions to that effect, of which we have a copy in Rymer (646). They are dated the 14th November. Yet he had, as appears by the letter to him from the French King, written to that prince on the 26th October—that is, to the Burgundian himself—and had granted passports to his envoys 5th November (*Id.* 632). But it is a signal proof of the perfidy which marked this negotiation, that the general instructions to his envoys who were to treat with the Dauphin are dated the very same day (26th October) with his letter to the Burgundian; and that in those instructions distinct reference is made to joining the Dauphin with his forces against the Burgundian, part of whose dominions Henry contemplated obtaining (Rym. ix. 630). Juv. dès Ursins' silence on the Burgundian's conduct in the negotiation proves that he thought it did him credit as a good Frenchman, and that he had refused dishonourable terms. His Armagnac prejudices appear to have so far biassed him to a suppression of the truth.

NOTE XLVII.—p. 189.

The account in the text follows that of Monstrelet rather than the statement of other writers. It is more circumstantial, and, except in one particular, seems quite consistent with probability. That particular is the representing so much urgency on the part of the Dauphin's adherents, and the reluctance of the Burgundian, after a considerable time, to go to Montereau, intimating a sus-

picion very natural to be entertained, and yet overcome without any very apparent reason, and to go almost unattended. The nature of Jean-sans-Peur was not very much that of a person who would have a struggle with himself, and, having entertained suspicions, would ever dismiss them from his mind. The fact, however, of his going, and with a small force in comparison of the Dauphin's, is admitted on all hands; and this of itself makes the improbability greater. Indeed it is one of the grounds of the doubt: so that on any supposition it requires to be accounted for, and the difficulty, in some degree, is common to all the accounts, though perhaps greater in that which describes the reluctance and the pressure most strongly. Juv. des Ursins (369) states that the advisers of both parties cautioned them against going to the meeting, and he gives their reasons. He mentions the warning of the Jew, Mousque, to the Burgundian; and he adds that the latter made a very noble reply, saying he would run all risks of his person for the great object of peace, and would avail himself of the Dauphin's able officers to fight the King of England withal; and so, he adds, "Hennete of Flanders would fight Henry of Lancaster" (p. 433 *infra*). He describes the Dauphin as waiting from the 26th of August to the 10th of September for the Duke. He then distinctly states that each party placed his guards at his own wicket, which is no doubt most likely; and in that case, if the shutting immediately after the Burgundian entered was done by the keeper of his wicket, he must have been gained by the Dauphin's party, which is not very easy to understand, as the person posted by the Duke's men was likely to be one of themselves, ordered at the moment and upon the spot. Juv. des Ursins gives both the Burgundian and Armagnac account. The former makes the Dauphin give the signal for attack, against all probability: the latter is extremely difficult to believe, for it makes the Dauphin begin by urging angry complaints of the Burgundian not having performed what he had undertaken against the English; and adds that, in answer to the proposal that he should go before the King at Troyes, he said he should go how and when he chose himself, and not as the Duke chose. The

Armagnac account then states that Novailles, one of the Duke's ten followers, came up to him, and then the Duke became red, and said to the Dauphin, "Quelque voulez vous?—vous viendrez à présent à votre père?" laying one hand on the Dauphin, and drawing his sword with the other. This seems quite impossible in the relative position of the parties. The account goes on to state that Tanneguy du Chastel immediately carried off the Dauphin, and had no hand in the murder which followed. Juv. des Ursins (373) adds that Batailles, Lore, and Narbonne confessed having attacked the Burgundian; and that Batailles said to the Burgundian, "You cut off the hand of my master, and I will cut off yours." He had been with Orleans at his assassination.

It is very probable that the conspiracy against the Burgundian originated with the followers of Orleans and Tanneguy du Chastel. The account in Monstrelet and in the text does not gainsay that supposition; but it seems very difficult to acquit the Dauphin of all previous knowledge, and hardly possible that he should not have been drawn in to being a passive spectator, and even conniving at it. The Burgundian being induced to go first from Troyes, and then from Bray, where he had stopped for days, is probably explicable by supposing that Tanneguy du Chastel had made large professions of altered sentiments and of attachment to him, and also that the woman Giac had joined in deceiving and persuading him. She and her husband remained with the Dauphin ever after, which plainly shows that they had been gained over. The giving the castle, a place of strength, to the Duke, while the Dauphin only took up his quarters in the town, was probably one of the measures employed to allay his suspicions. Juv. des Ursins, we must always bear in mind, was an avowed and a very warm adherent of the Armagnac faction. He and his family were great sufferers by the violence of the Burgundians, as he himself relates (340). He was made Archbishop of Rheims by Charles VII. (the Dauphin); and though he affects in one place to be a Burgundian, this is admitted to be a fraud, and it is not calculated to increase his credit. Monstrelet may have

had Burgundian leanings, but so far were these from being strong, that it was long a question whether he had any such partiality at all; and the arguments against Legendre and others, adduced to disprove it by M. Dacier (Mém. de l'Acad. des Inscr. xliii. 535), appear very difficult to resist. He shows that Monstrelet is more severe against Jean-sans-Peur than Juv. des Ursins himself. Pierre de Fennin (473) confirms Monstrelet much more than he does Juv. des Ursins. He was at one time in Charles VI.'s household, when that prince was under Burgundian influence, and so may be supposed to favour the party; but this bias does not appear in his History. T. Elm. (235) and T. Liv. (78) content themselves with shortly stating that the Duke was perfidiously slain by order of the Dauphin; and T. Walsingham (449), following the same course, declares the assassination to have been done by the Dauphin and his accomplices.

Note XLVIII.—p. 211.

It is singular that Dr. Lingard (iii. 375) should represent this proceeding as only indirectly implicating the Dauphin. "The young prince," says he, "is indeed mentioned by the designation of 'Charles, styling himself Dauphin;' but not so much as a suspicion is hinted that he was either the author or an abettor of the crime." Charles is no doubt so named, but that is not all. The preamble of the decree distinctly sets forth that Charles and Duke John had, with their servants, sworn peace on the gospel and cross, and in the hands of the Legate; that John had gone to Montereau, "at the request of the Armagnac," to keep the said peace; and then it proceeds to state that he had been "meurtrez et tué au dit lieu de Montereau, mauvaisement, traitreusement, et dampnablement, non obstant les dites promesses et seremens ainsi feas et renouvellé au dit lieu de Montereau par *luy* et ses complices" (Rym. x. 34). Now though the *par luy* may mean that the oaths had been renewed at Montereau, this is not quite certain, for there was never said to have been any oaths

taken at Montereau on the last occasion. The swearing was at Melun in July, and at Paris. But suppose we so read it; then it follows that the murder is laid as having been committed, notwithstanding the oaths taken by him and his accomplices—that is, by the Dauphin—for there is no other person mentioned to whom *luy* can apply. No doubt this being the charge, it is made against the whole, as it must have been; but the words *non obstant*, *luy*, and *complices* will bear no other meaning than direct charge against the Dauphin, as well as his servants, instead of "not so much as a suspicion being hinted against him." We are also to bear in mind that the requisition (requisitoire) or judicial demand of Philip's advocate, as given by Monstrelet, and which was the foundation of the whole proceeding, directly charges the murder on Charles by name, and adds the names of seven others—Louvet, Boutillier, De Loire, Layet, Tanneguy, Barbasan, and Narbonne (chap. ccxxxii.). The sentence is given, but in general terms, in chap. ccxxxix.

P. Griffet, the learned and diligent editor of P. Daniel, edition 1755, has a note upon the citation of the Dauphin before the Chambre de Marbre, and his condemnation by default to lose the succession to the crown, which P. Daniel, following Monstrelet and Juv. des Urs., had given as certain (vi. 554). President Hénault had denied this proceeding altogether, and regarded it as the same with the proceeding before the two Kings and part of the States at the instance of Philip, in which no forfeiture of the crown is denounced. P. Griffet says that the decree on th latter occasion does not pronounce against the Dauphin by name (nommément), which is true, but only under certain qualifications, as we have seen—for *luy* applies to him, and therefore he may be said to be named by reference. P. Griffet seems to think there may have been another proceeding, and that the decree is lost. His reason for so supposing is because of no forfeiture of the crown being decreed in the proceeding of which we have the particulars. But it is possible that Monstrelet and Juv. des Urs. may have regarded the general forfeiture as comprehending that of the Crown also; and certainly the words

appear to have been employed for the purpose of including the Dauphin's succession, some of them being peculiarly applicable to his case, as releasing all "people, vassals, subjects, and supporters from all oaths of fealty, promises and obligations of service," and declaring the forfeiture of all "future succession, direct and collateral, all dignities, honours, and prerogatives whatsoever" (*Rym.* x. 35).

NOTE XLIX.—p. 217.

The distance at which this battle was fought from Rouen, an our having no account of what brought the English army to Beaugé, are circumstances that tend to perplex the historical inquirer. Nor is it easy to explain them by supposing a great reluctance to dwell upon the subject on the part of the English, to whom the particulars must have been known. It certainly appears that Clarence had before the battle pillaged Vendôme and Maine, and had encamped before Angers, when he heard of the Dauphin being between him and Beaugé. T. Walsingham (454) says that Clarence on finding or supposing the enemy unprepared to meet him was overjoyed, "secus quam tantum principem decuit." He says nothing of the Scots contributing to the defeat. T. Elm. (303) gives the most absurd and incredible account of the battle: first, he speaks of only a few of the principal English officers being engaged — "paucissimum" and "manipulum;" and yet he describes the defeat as a great disaster, and with his wonted most execrable taste he puts a dialogue into the mouths of Moral Courage and Compassion as both in Henry's bosom and addressing him. T. Liv. is wholly silent on the subject, and does not even mention Clarence's death. His work was addressed to Henry VI., to whom he frequently speaks personally, calling Catherine "tua mater," and his birth "tua nativitas" (93). Indeed he also mentions, though this not in the second person, his having been begotten during his father's journey to England (91). P. de Fennin's account (485) has nothing remarkable, except that he admits the French to

have greatly outnumbered the English. Juv. des Urs. (389) makes the battle take place after a formal defiance and agreement to meet and fight on a given day and spot; but he says the English were craftily contriving to fight before the time, and failing to surprise their adversaries, were defeated. He absurdly gives the French loss at 25 or 30 men. The strange inaccuracy of this writer as to dates is exemplified in making the siege of Meaux take place before Henry went over the last time to England. Hall (107) ascribes the defeat to the treachery of a Lombard who deceived Clarence. Hardynge (384) reduces the disaster to nothing, and describes Umfraville as having had sharp words with Clarence, whom he counselled not to fight on Easter Eve, but was answered that if he did not like fighting, he might go and keep the churchyard.

That the defeat at Beaugé was of the greatest moment appears plainly from the manner of treating it when the Parliament met in May (1421). The Bishop's (Chancellor's) sermon was of a melancholy cast: he quoted the book of Job, "the Lord giveth, and the Lord taketh away," &c., and made no allusion to supplies (*Rot. Par.*, iv. 129). P. Daniel (vi. 558), from an ancient document preserved in the Chamber of Accounts, gives 3000 as the number of English slain. A frequent error, as in Stow (381), is to confound the little river Le Loir with the great river La Loire, and so to conclude that Clarence had passed the latter.

One of the most gross mistakes committed by writers on this passage of history relates to James's liberation. Monstrelet (ccxxxv.) states that Henry liberated him before he returned to France in June, 1421. Goodwin (306) follows this account, and commits the further error of saying that James had been ten years a captive, whereas he had been nearly seventeen. In fact he was taken in 1405, and not liberated till spring 1424, above a year and a half after Henry's death, the treaty being made 4th of December, 1423, and the safe-conduct granted 28th of March, 1424 (*Rym.* x. 305. 332; *Ford., Scot. Chr.* ii. 474). Goodwin actually describes him as returning to Scotland in

1421, and holding a Parliament, obtaining supplies, and promising to improve his country. He makes him marry Anne, daughter of Clarence, whereas he married Joan Beaufort, Dorset's daughter. Holinshed (111) and Hall (119) give the facts correctly. Mezeray (i. 1028) represents James as having been delivered, and having returned to Scotland, all before the expedition. P. Daniel (vi. 556) states that the English and Scotch historians give different accounts of James's liberation, but that the treaties made by the court of France with Scotland, preserved in the archives, leave no doubt on the subject (*see* Note XXV. *sup.*).

NOTE L.—p. 219.

There is an unaccountable statement of the Chroniclers, as Hall, Holinshed, T. Walsingham, adopted by Goodwin in his History (302), that a fifteenth was granted by the Parliament of May. He states that the King represented to them what conquests he had made, and what supplies were wanted. Whitelocke (*Mem.* 130) falls into the same error. Monstrelet (chap. ccxxxv.) speaks of the "countless sums" which he raised by setting forth, wherever he went in his progress, the extent of his conquests and the necessity of supplies. But the Parliament Roll is decisive, and gives the fact as it is stated in the text. The confounding of the Parliament in May with that which met in December cannot account for this error; for no such speech was made to the latter, as is described by those who have so misstated the fact; and the vote was not, as stated, of a fifteenth only, but of a tenth and a fifteenth together.

The force collected by Henry, and which he carried over the 1st of June, 1421, is variously stated, but generally as 24,000 archers and 4000 men-at-arms. If the proportion of attendants was the same as in his last expedition, his army must have amounted, not to 30,000, the largest number assigned by any writer (*Monst.* chap. ccxxxv.), but nearer 50,000. This force, and the addition he made to it in Normandy, must have

been exceedingly reduced in a few months by the military operations, the disease on his march from Berri, and the demands of the garrisons, if it be true, as T. Elm. represents, that he had but a handful of men left at the siege of Meaux.

NOTE LI.—p. 235.

Mr. Hume suppresses all mention of Limoges, and pronounces the Black Prince a perfect character—one, he says, "to the hour of his death, unstained by any blameable action," ascribing to him particularly both "generosity" and "humanity" as his distinguishing qualities (*Hist.* ch. xvi.). But the massacre of Limoges is attested in detail by Froissart; in general terms by T. Walsingham; and Hume cites both writers in the page in which this extraordinary suppression is committed. Froissart's account of it is truly lamentable. "You would have seen pillagers active to do mischief, running through the town, slaying men, women, and children, according to their orders." [He had named the Black Prince, John of Gaunt, and others.] "It was a most melancholy business; for all ranks, ages, and sexes cast themselves on their knees before the Prince begging for mercy, but he was so influenced with passion and revenge, that he listened to none." (*Frois.*, tom. i. fol. ccxxxv.) Yet five or six weeks had elapsed since the treachery of the town gave him offence. The poor, Froissart adds, were not spared, who could have had no hand in the transaction, though those were spared who had actually given up the place to the French. Indeed the Prince was so much delighted by a combat of some knights with his own officers, that "his heart was softened towards them." However, the place was "pillaged, burnt, and totally destroyed." (*Frois.*) T. Walsingham, though more general in his account, says (180), "Captam (urbem) solo tenus ferè destruxit, inventosque in eâ peremit, paucis captis et reservatis ad vitam." Though he extols the Prince's "clemency," and, like Hume, asserts that "no one could say anything against him,"

yet he honestly gives the Limoges massacre with fulness, and strongly reprobates it.

We cannot easily avoid noting, though assuredly no proof was required of it, Mr. Hume's carelessness in giving facts and referring to authorities which often do not bear him out. One instance occurs in the portion of his History to which we have been adverting. He places the march of Lancaster through France too early. He says it was "some time after Knollys's expedition." It was three years after; Knollys's being in 1370, Lancaster's in 1373. He says the Duke had 25,000 men with him, and he cites Froissart, who says 3000 horse and 10,000 archers (tom. i. fol. cclv.). He also cites Walsingham, who says 30,000 horse (283), which is manifestly impossible; if he were right, there must have been many more than 30,000 men, which number Barnes (857) appears to have taken from T. Walsingham, though he only refers to Froissart, who gives 13,000. Barnes confounds Lancaster's expedition with Knollys's in p. 800; for he says Knollys had 30,000 according to Mezeray, and only 12,000 according to Holinshed, and that he prefers the former authority. But Mezeray gives no number as to Knollys (i. 882), and as to Lancaster he gives not 30,000 but 40,000 (*ib.* 888). Hume gives Knollys 30,000, and refers to Walsingham and Froissart, neither of whom gives that amount. T. Walsingham (179) gives no number, and Froissart (i. fol. ccxxxi) gives only 5500 and 4000 Welsh. The Troubadour Chronicler of Bernard du Guesclin says 20,000 (ii. 131, ed. 1839). Dr. Lingard gives no particulars of either of these remarkable expeditions, despatching each in a single sentence (iii. 103-4); but nothing can be more praiseworthy than the honest indignation which he expresses at the conduct of the Black Prince on the sacking of Limoges.

NOTE LII.—p. 238.

The privilege of Parliament is sometimes said to have been extended by Henry VI. after Henry V. had resisted the claims

and refused the prayer of the Commons. But this is not correct, both because Henry VI. can hardly be said to have extended the privilege, and because it was in 5 Henry IV. that the prayer referred to was refused. R. Chedder, Esquire, a servant (*magneal*) of T. Broke, Knight of the shire for Somerset, had been grievously assaulted and maimed, having come with him to Parliament; and the Commons prayed that it might be declared treason to slay a knight so come to Parliament, and mayhem with loss of the hand to wound him, and fine and ransom to assault him; and that the King would not pardon any such offender unless he made accord with the party aggrieved. The King refused this prayer; but as to the case of Chedder and Broke, and as to all future cases of the same kind, ordered that proclamation should be made in the town where the offence was committed (that is evidently in the town where the Parliament was sitting), and if the party charged did not appear within a quarter of a year before the Justice to take his trial, then he should be held attainted of the offence, pay double damages to the party aggrieved, and make fine and ransom to the King; and if he did appear, he should take his trial, and on conviction suffer the same punishment (Rot. Par. iii. 542; Stat. 5 Henry IV. c. 6). In 11 Henry VI. an assault and affray having been committed, but against a knight of the shire, and the Commons referring to the former statute, desired to have it re-enacted and applied to knights, citizens, and burgesses. The Act made on this extended also to Lords Spiritual and Temporal come to attend Parliament, and to Councillors come to attend the King's Council by his summons (Rot. Par. iv. 562; Stat. 11 Henry VI. c. 11). It is hard to see what better protection this act gave than the common law afforded, though it enables them to profit by the injury sustained; for it merely re-enacts the Stat. 5 Henry IV. c. 6 as to all members of both Houses attending Parliament, and Privy Councillors. It certainly does not come within the description given of it by Dr. Lingard (iii. 498) of "a law for the personal security of all members of Parliament while attending their duty," the granting of which he says "former

sovereigns had refused or eluded." Indeed the Stat. of Henry IV. protected the servants of members at least from mayhem, and it is not easy to see how the members should, during the interval between the 5 Henry IV. and 11 Henry VI., have been without that protection at common law which their servants had by statute; though certainly the member has the protection, such as it is, from assault, when the servant only has it from mayhem. In 5 Henry IV. (Rot. Par. iii. 541) the Commons complained of their servants being arrested for debt, and required protection against this proceeding by treble damages being given. The King answered that they had their remedy by law, which seems more than doubtful (Rot. Par. iii. 541).

Nothing can more clearly show the tendency of all usages, and of the people's habits in those times to consider everything with a view to pecuniary gain, than these proceedings. The law severely punished the offence of maiming (mayhem) whether committed against a member of Parliament or any other person. But much benefit was thought to be acquired by members when they were enabled to recover double or treble damages for having been wounded. So when the Commons ask to have punishment inflicted on persons guilty of slaying or of maiming members, they desire, further, that no pardon be granted unless accord be made, that is compensation given to the party aggrieved. The whole of the barbarous warfare carried on in that age was tainted with the same sordid feeling: prisoners were only made to be ransomed; those who could not pay were put to death; those who could were detained without exchange, and probably after war had ceased. The pecuniary commutation of all punishments at a somewhat earlier period proceeded on the same principle.

Note LIII.—p. 238.

The Parliament of Leicester met 30th April, 1414, little more than a year after Henry's accession. The Petition of the Commons (Rot. Par. iv. 22) is very remarkable. It sets forth their

ight as having ever been a branch of the Parliament, and that no law could ever be made without their assent, and beseeches that henceforth whether they should make any complaint or ask any remedy by mouth of their speaker, or by petition in writing, no law be made thereafter changing the meaning and purport of what is asked by addition, diminution, or otherwise, without their consent, adding, however, that they do not mean, if they should ask several things, that the King may not grant some and refuse others. The answer is that "of his especial grace the King grants that from henceforth nothing be enacted to be petitions of his Commons that be contrary to their asking whereby they should be bound without their assent, saving his royal prerogative to grant and deny what him list of their petitions and askings."

Upon this arises first, the observation that the Lords are not named, nor, indeed, was any Statute made. Next, that the grant only is of security against altering any Bill sent up by the Commons without their assent to the change, so that there would be no infringement of the right thus bestowed, or recognized, if a Statute were made by the King and Lords alone. The Commons, it is true, get all they ask in their petition; but the claim in the preamble goes further, and asserts the general right, and of this claim no notice is taken in the answer.

Henry IV.'s first Parliament met at Westminster 6th October, 1399; and on the 27th, the interval having been occupied by the resignation and deposition of Richard, an act (or rather a judgment) was passed condemning him to perpetual imprisonment, but the consent of the Lords Spiritual and Temporal alone is stated (Rot. Par. iii. 426). On the 3rd of November, only two private Bills having passed in the mean time, the Commons state that they are no parties to any judgments in Parliament, these belonging to the King and the Lords only, unless so far as such judgments may from grace and favour be communicated to them, and, therefore, they claim not to be bound by any judgments given or to be given. Such at least seems to be the meaning of the claim "that no record be made

in Parliament against 'les dite communes qu'ils sont ou seront parties ad ascunes juggements donnez ou a donner en apres en Parlement.'"

The King's answer by the Archbishop of Canterbury is that their prayer be granted, and that the King and the Lords ever had and will have the right of giving judgments in Parliament as the Commons had set forth; but that in Statutes to be made, or any grants and subsidies, or in such things as are made for the common profit of the realm, the King desires to have specially their advice and consent (Rot. Par. iii. 427, art. 79).

In Henry IV.'s second Parliament, holden 20th January, 1401, he was far less courteous to the Commons, his authority being now established. They asked that his answers to their petitions should henceforth be given before they had made their grants; but he answered that he should consult the Lords and be guided by their advice, which having done he said he saw no reason to change the established usage of the grants preceding the answers (Rot. Par. iii. 458).

NOTE LIV.—p. 243.

The dates of the congés d'élire show that the Pope's nomination was required. Thus, that for Winchester is dated 25th March, 1419; but the restitution of the temporalities to the former bishop bears date 18th October, 1419, and to the latter 17th March, 1420—a delay in the one case of five, and in the other of seven months.

Some of the circulars to the bishops and chapters in Normandy require that all persons having benefices shall reside, without the reference which other circulars make to the absentees not having taken the oaths. Indeed, some of them are before the Treaty of Troyes, as one 24th April, 1419, from the exigency of which an excuse is afterwards granted to students at Paris University, holding Norman livings (Rym. ix. 739, 808). To the Chapter of Evreux (13th January, 1419) he severely forbids the "quam plurima intolerabilia," which he hears they intend to commit

against his prerogative—among others, that of allowing persons to hold prebends and benefices in their Cathedrals without his special authority; and he warns them that they will do such a thing at their peril (Rym. ix. 667).

There is an amusing letter of the Bishop of Lichfield, whom he had sent as his ambassador to Martin V. in 1419, apparently to obtain a constat of the Concordat of 1418. Martin had then returned to Italy, and at Florence he received the envoy. Henry appears to have written the good Bishop a letter with his own hand; whereat the Prelate stands amazed, and exclaims "Oh inestimabilis et inaudita principis clementia qui," &c. "proprio servo, propria manu exarare dignatus est." "Mihi minimo indicat stupor silentium quod ulterius nil habeam quod loquar," &c. He terms himself "tantilla creatura." He tells how the Pope received Henry's letter, also autograph, to the Holy Father. Coming out from his inner chamber with the letter in his hand he said "Oh Lichfieldensis, habeo de vobis litteram pro parte Regis," giving it to the Bishop to keep "in perpetuam memoriam ineffabilis bonitatis et clementiæ tanti principis," &c.; which, with all reverence be it said, might rather have been the reason for the receiver of the letter keeping it than the carrier. His Holiness then sends Henry many papal presents, as indulgence for his sins once a year and *in articulo mortis*, a portable altar to be used both in the night and in interdicted places—"a favour never before granted by the See," says Lichfieldensis. These civilities are detailed in a letter dated 5th February—"Scripta," says the Bishop, "Manuæ manu meâ malâ;" and the mission to complain of the Statute of Provisors must have been sent soon after, for the negotiation had terminated before the 17th of October, the day on which the unfavourable answer was given by Henry (Rym. ix. 680). The Pope's flattery of Henry to the Bishop is very remarkable, though he made little by it. When he received Henry's letter, says the Bishop, "Cum maxima devotione oculos in cœlum levans dixit—Putavimus primo sed jam scimus filium nostrum nos diligere; vere, vere, dicit ipse, omnes theologi in mundo non morigerunt nos tantum sicut ista filii nostri eloquia

sacratissima." The indulgence and other papal courtesies had been granted the September preceding, but were extended in February after the receipt of Henry's letter (Rym. ix. 615).

HENRY THE SIXTH.

NOTE LV.—pp. 249-258.

This is as complete a precedent for what was ridiculed in 1811 under the name of *Phantom* as can well be imagined. No Regent existed; the King was as incapable of giving any authority or any assent as if he had been deranged; yet in his name the Parliament was called, and under his Great Seal; and the royal assent was given in his name to an Act, ratifying the proceeding of the Lords who sealed the writ to call the Parliament (Rot. Par. iv. 170). It is not to be denied that the proceeding would have been far more legal and regular for a Regent to assume the royal authority, as next heir to the Crown failing the infant, and then to have held a Parliament.

The only knowledge we have of the proceedings taken on Gloucester's claim is from the attempt which he made some years after (March, 1427) to obtain extended authority. The answer of the Lords then given recites, as the ground of their refusal, the proceedings in 1422 (Rot. Par. iv. 326).

The Lords alone give the answer to Gloucester, and Dr. Lingard (iii. 390) appears to suppose that they alone had interfered to appoint the protectorate. But this was done by the whole Estates. The Commons are expressly named (Rot. Par. iv. 174), and when the Lords in 1427 refer to what had been done in 1422, they call it "an act of the said Parliament," and made by the Estates (Rot. Par. iv. 326).

The use of the King's name is constant in all the instruments. He, an infant of eleven months old, summons the Parliament, and with the assistance of the two Houses names his council.

A more absurd instance of the fiction that all must be done in the King's name occurs in 6 Hen. VI. (1428), when Warwick is appointed his governor or instructor. The King, however, was then nearly seven years old. He thus provides for his own castigation and for the indemnity of those who inflict it:—"Et si quod futurum non speravimus, Nos adiscere contempserimus, seu delictum vel offensam commiserimus contra traditionem seu præceptum consanguinei nostri supradicti, eo casû ad Nos rationabiliter cohercendum et castigandum, de tempore in tempus secundum ipsius consanguinei nostri avisamentum et discretionem, modo (videlicet) quo alios similis ætatis principes tam in hoc regno nostro quam alibi hactenus coerceri consuetum est aut castigari. Absque hoc quod præfatus consanguineus noster eâ de causâ per nos aut aliam personam impeti, molestari, seu gravari valeat, quomodo libet in futurum. Eo (videlicet) quod modi cohercionis seu castigationis hujusmodi hiis præsentibus literis nostris non exprimuntur non obstante."—Rym. x. 399.

NOTE LVI.—p. 263.

No fact in history is more clearly established than Beaufort's innocence of all the more grave charges brought against him. When Gloucester, among other accusations comparatively of little importance, charged him with setting on an assassin to conceal himself in the wall of a church and murder Henry V., giving for his authority the assurance of that prince, Beaufort at once refuted the tale by referring to the confidence his brother had to the last shown him, and the use he had made of his services. Indeed, Henry being known to suspect with some jealousy his uncle's ambitious nature, never could have passed over such a charge which gave him the means of ruining him. His conduct towards his stepmother the Queen Dowager, and to L'Isle Adam, when suspected of treasonable designs, sufficiently proves this. As for the charge which some have brought against him, but chiefly poets and romancers, that he was an accomplice

with Suffolk in Gloucester's murder (Shakspeare makes him the principal criminal), nothing can be more absurd. The evidence is, indeed, all against Gloucester having been murdered by any one; and the popular rumours of the day, raised by those who were devoted to that prince, and enemies of the Queen and her favourite Suffolk, only fixed it on the latter.

The story told by those who believe in the murder is, that Gloucester being arrested at Bury St. Edmunds upon charges of treason, was found dead in his bed next morning, and his body was there exposed in order to prove that he had come fairly by his end—the accounts giving out that he had died of palsy, but the belief being that he had been smothered between pillows, or despatched by thrusting an iron into his bowels, as in Edward II.'s case. It is thus that Hall, 209, and after him Holinshed, iii. 212, and later authors, as Baker, 188, write. The continuation of Ingulfus or the Croyland Chronicle also gives the death as happening in the night of his arrest (521). But it does not state the charge of murder, either in this passage or when relating Suffolk's death (525). It only says, after vehement abuse of Suffolk, that Gloucester was summoned by him to the Bury Parliament and imprisoned, and that having been quite well in the evening, he was next morning carried out dead and exposed, which may indicate a suspicion, but is very unlike the manner in which other charges are brought by the chronicler against Suffolk. Some give the story with a most material variation. Thus Olb. Polychr. cccxxxviii. says he died in five or six days after his arrest, and adds to the reports of his murder that some said he died of grief, but it says also that Suffolk was supposed to be concerned in his death (*ib.* cccxxxix.). Stow says (386) that he died on the twenty-fourth day, whether of the Parliament convened February 10th or of his confinement, may be uncertain. Fabyan says six days (619); he mentions that there were divers reports of murder, which he passes over apparently as not worthy of notice. He afterwards says (622) that some ascribed his death to Suffolk. Hardyng (ch. ccxxxii. p. 400) says the cause of his death was parlesye (palsy) through heavyness (grief), and

adds the material circumstance, that he made a good end and confessed—a thing wholly decisive against the supposition of murder. Whethamstede, ii. 365, says that he took to his bed ill from chagrin and died in a few days ("decedit præ tristitiâ in lectum ægrotans et infra paucos dies decedit in fata").

He afterwards says that "this David laid down his arms with victory and went to receive lasting peace" (366). Whethamstede, it must be remembered, was a contemporary and partisan of Gloucester, which gives his testimony the greatest weight. Again, when Henry VI. pardoned the five servants of Gloucester who were condemned for treason, having been arrested with their master, he expressly states that Heaven had stricken those who had been guilty of treason towards him—a notion which this pious and amiable prince must have regarded as impious if Gloucester had been murdered. Though those who believe in the murder, following the popular rumour, impute it chiefly to Suffolk, it is to be observed that of the ten articles of impeachment against him three years after, not one makes the least mention of his supposed share in Gloucester's death—all are confined to his public conduct, and the chief charge is his surrender of Maine and Anjou. Whitelocke alone, 142 (a book of little authority for the times before his own), gives as the first article his depriving Gloucester of his office and life. Thus the evidence is against any murder at all having been committed.

As for Beaufort having had a share in it, there is not a tittle of proof. Indeed, they who charge him with causing Gloucester's removal from power, make that the act of the Queen, Suffolk, and Buckingham, though they say that Beaufort and the Archbishop of York instigated it.

The Continuation of the Croyland Chronicle (521) bears full testimony to Beaufort's character "præ cunctis in Angliâ principibus probitate et sapientiâ, divitiis et gloriâ nominatissime præconatus."

But the other Continuation (582) also negatives in a very striking manner the absurd tales of his latter end having been as Shakspeare has depicted it—for that Continuation describes him

as having for several days, while dying, had mass performed and the funeral service also, and desired his will to be publicly read to all the clergy and monks of Winchester and the neighbourhood, and having made some corrections himself and added some codicils the day of his death—so that instead of a very disturbed death-bed, it was one peculiarly calm and collected. The chronicler wishes others would make so good an end,—"utinam ab aliis mirandum factum gloriosi et Catholici viri." The account of it is stated to be "taken from a person who was present" (582).[1]

The charge of avarice and usury is better founded, but very venial in comparison; and how much of it has been exaggerated appears from hence, that Hall (200) and Holinshed (212) have not scrupled to accuse him of keeping his great wealth wholly to himself, "which might well have holpen the King in his wants," as well as benefited the country. Now we have the most incontestable evidence that he lent his nephews a sum equal to nearly half a million of our money, as well as that he munificently endowed the Hospital of St. Cross, near Winchester. His wealth is easily accounted for without supposing him to have been guilty of extortion. He was for fifty years and upwards a bishop, four times chancellor, and for twenty years cardinal.

It is remarkable that Mr. Hume appears to have been wholly led away by the popular prejudice against Beaufort, which has no other foundation than the poets. He says that the death of Gloucester was universally ascribed to him, and adds a somewhat strange remark, that his remorse "could not have been naturally expected from one hardened during the course of a long life in falsehood and politics." (ch. xx.) The Universal History (Mod. Hist., vol. lxix.) adopts the statement without the remark, making the statement more positive. No authority whatever is referred to in either work. It is known that Mr. Justice Black-

[1] The Croyland Continuation is cited from the Rerum Anglic. Script. (vol. i.), Oxford, 1684, which contains the first complete edition of Ingulfus and the first publication of his continuator, Peter of Blois (Blesensis), and of the other continuation commonly called the Croyland Continuation.

stone constantly cites this book; and yet it appears, at least in many places, to be most carelessly compiled. Thus, after relating the victory at Agincourt, it says Henry obtained supplies from Parliament, returned with a large army, and laid siege to Rouen, but continued to negotiate, and obtained a treaty; and then the substance is given of the Treaty of Troyes without naming it, so that this paragraph embraces above five years.

Note LVII.—p. 276.

Hume having without any authority begun by representing the Maid as twenty-seven years old, afterwards says that, to render her more interesting, ten years were taken from her age. The authorities he quotes for his account of her person, including her age of twenty-seven, are Hall, Grafton, and Monstrelet. Now Hall (148), Grafton (534), and Monstrelet (tom. ii. fol. xxxv.) all expressly say she was twenty years of age. Bergomensis (De Claris Selectisque Mulieribus, ed. 1497) makes her sixteen (p. cxliv. ch. clvii.). His account, however, is full of inaccuracies, as making Charles be crowned at Orleans, and stating that this (instead of Rheims) is the place where all coronations must regularly take place—stating that the Maid's service lasted eight years, instead of fifteen months—that it began in 1448, instead of 1429—that she had the chief command in the army, and was burnt at Rheims instead of Rouen. Though this last may be a clerical error of Civ. Remensis for Rothomagus, the placing Orleans on the Rhone (Rhodanus) instead of the Loire (Liger) can hardly be thus explained.[1] Mezeray (ii. 11)

[1] Nothing can more strongly illustrate the advantage that accrued to authors, and to the cause of truth, from the invention of printing, than the want of information under which this writer laboured, though he lived so near the time of which he treated. Having been born in 1434, he must in his early years have often heard the exploits and fate of the Maid related. He was an Austin friar of the name of Ferati, and took that of Philip of Bergamo. His book was published at Ferrara in 1497.

says she was only fourteen, and gives the saints who bore the message to her—St. Michael, commander of the heavy militia, St. Catharine, and St. Margaret, who recompensed her for her assiduous worship of them. The English writers suppress as far as they can all mention of her—Hardynge entirely, Fabyan nearly so: he only says (599-601) she "feigned being with child, and when the contrary was known, was judged and burnt." Others pursue the same line, and give her the names of witch, sorcerer, &c., beggar's brat, person sent by Satan to spread unbelief, "of so foule a face that no man could discover her," to which her chastity is imputed in Hall (iii. 148, 158).

It must be observed that the mystery which hangs over the Maid's history is not easily unravelled by any of the systems which have been or may be formed. But it is very possible that her own story may only have amounted to enthusiasm and heated imagination from her solitary life and constant vigils and prayers in chapels and hermitages; while the Court of Charles may, after adopting her, have added false stories to her true ones or her honest delusions. The four alleged miracles were, the battle of the Herrings, the discovering the King, the telling of the sword at St. Catharine de Fierbois, and the knowledge of Charles's prayer. The first may have been a mere accident, and her words may have been only a general affirmance that Charles's affairs were at that moment growing more desperate; and afterwards, when the news of the battle came, fought at the same time with her assertion, the latter may have been fancied to have been more specific.—As to the second, the King, by some accounts, was surrounded with a crowd; but others say, five or six persons. It is easy to suppose that a quick eye might have seen something peculiar in him, or in the manner of the others towards him.—Then, touching the third, the sword may have been known to some one, though not generally, and that person may have told her of it.—St. Catharine de Fierbois was situated near Tours, in the province adjoining Orléanais, and was in possession of Charles, and she had been in the church on her way to Chinon.—The prayer alone remains, and this may

have been added, or at least altered; for it is to be observed that the only part of it which could not very naturally have been guessed is the plan of retiring to Spain or to Scotland, and even that may have been talked of while Charles's affairs were so desperate that we are told he knew not which way to turn or what course to follow in the conflict of his council's opinions—that he retired into his cabinet and wept, and that he even spoke, and openly spoke, of retreating into Dauphiné and leaving Orleans and all the rest of the country to the enemy. It must have been the consequence of the Maid's promotion to a command, and of her first success, that everything was exaggerated and many things were invented respecting her, partly by the policy of the leaders in Charles's party, partly also by the love of the marvellous, always strong in the vulgar.

It is to be observed that the bulk of the older French historians never doubt of the Maid's miraculous performances. Mezeray (ii. 10) gives, as we have seen, the very names of the angels who aided her; and P. Daniel (vii. 56), though somewhat more measured in his faith, plainly tells us that they who are scared by the bare name of a miracle will find it hard to account for all the facts which are attested by such a body of authority.

The account of the Maid's conference with Charles given by Langlet (Hist. de la Pucelle) from the MS. in the Bib. du Roi has been followed in the text. It is to be observed, however, that others give a different version, representing her only to have declared him the true heir of the crown, which he conceived coincided with his secret prayer for divine aid *if* he were the true heir. M. Barante (Ducs de Bourg., Phil. le Bon, liv. 3) and Sismondi (Hist. des Franç., xiii.) adopt this account. It seems difficult to understand how Charles should have annexed any such condition precedent to his prayer; because of his being the true heir, but for the loss of the crown by the treaty, there could be no doubt.

The story of news coming to Baudricourt of the battle of Rouverais after the Maid had told him of a defeat the day it happened, is a mere fiction. She left her home either on the

12th or 13th on her journey to Chinon; and as the battle was fought on the 12th, no account of it could possibly have reached the Meuse for several days after she had set out.

NOTE LVIII.—p. 269.

The Report of Bedford to the King is dated 20th of October, 1428, and it distinctly speaks of the Maid, "a disciple and lyme of the fiende called the Pucelle, by her fals enchantments and sorceries" having caused the disasters of the army (Rym. x. 408). Even if the 20th of October be not the date, still it is in 1428, and the year began then in March. It is dated before the Maid had been in Charles's camp and court, for the battle of the Herrings was on the 12th of February, and that day she was at Vaucouleurs, urging Baudricourt to give her an introduction to Charles. All the books make the battle on the 12th of February, 1428–29, that is 1429 New Style. P. Daniel (vii. 51); Stow, (369, cap. xv.); 'L'Art de vérifier les Dates' (i. 614); to say nothing of Hume (ch. xx.) and Lingard (iii. 408). Hall makes it 6 Henry VI., *i.e.* February 1428 (iii. 146); and Monstrel. (tom. ii., fol. xxx. xxxiv.), never to be trusted as to dates, makes it 1428 also, and gives that as the year of the Maid's appearance and exploits. Now it is clear that 1429 was the year, and therefore Bedford could not have sent the report the year before. It is, however, possible that Rymer has misdated that document. It may have been written and sent in 1429, and not 1428. But there will still remain the extreme improbability that a person of Bedford's decided and manly character should have ordered the siege, and, at all events, assented to it, while he commanded the army in person, and should, after it failed, have said he could not tell by what advice it had been undertaken.

However, it appears that the date in Rymer is wrong. In Rot. Par. (v. 435) we have the Duke's account of what he had written. He says "not long agoo," this being in June 1434, and he cites the words exactly as given in Rymer (x. 408). He

also states, as from that former paper, that the losses which he particularized were all owing to the panic created by the Maid's services, "and their lacke of sadde (wise) beleve" and their "unlevefull (unlawful) doubte that thei hadde of a disciple and lyme of the feende called the Pucille, that used fals enchauntements and sorcerie."

Since this note was written there has been published (at least in a separate form[1]) the very able and interesting historical essay of Lord Mahon, "Joan of Arc." Allowance being made for the leaning of an author towards his heroine, there appears no reason to question the correctness of the view which his Lordship takes of the whole subject. It may, however, be doubted if he has sufficiently kept in mind the strong bias under which the testimony was given on the proceedings of the *Revision*, both from the persons examined and from the current of public feeling then setting in against the original trial, in which the prejudice was all the other way. This renders it difficult for the historical inquirer to find his way among the conflicting statements. The vast number of the works which have at different times been published either upon the Maid or upon the period to which her history belongs, does not much relieve him. M. Chaussard has enumerated above four hundred.

It seems to be now admitted that the story so long current, and which almost all accounts had adopted from Monstrelet, of her having for a length of time been servant at an inn and employed in the stables, is either groundless, or at least much exaggerated. Nevertheless Lord M., who with Barante and Sismondi gives it up, is not perhaps quite justified in ascribing it to the Burgundian prejudices of Monstrelet. The arguments of Dacier (referred to Note XLVII. *supra*) seem to disprove the opinion entertained by others, as well as his Lordship, that Monstrelet belonged to the Burgundian party. It is to be further observed, that some explanation is required of the Maid's remarkable address in the use of armour, and especially of her perfect horsemanship; and the judicious M. Petitot, as Lord M. admits,

[1] It had appeared in the Quarterly Review.

considers it as certain that for some time at least she had acted as servant at an inn (Col. de Mém., viii. 242, 243.) His Lordship reduces this period to fifteen days, which would in no wise account for her expertness.

Upon the subject of her communication to Charles respecting his secret thoughts, Lord M. follows M. Barante and M. Sismondi, who do not mention her having made any allusion to Charles's intended retirement from France in consequence of his distressed condition.

There can be no doubt that his Lordship is right in treating with contempt the exaggerations of the French writers who dwell upon the Maid's talents in council and in the field. Indeed nothing can be more absurd, or more in plain contradiction to the whole facts, especially the entire disregard of her by Charles's officers and advisers in every one respect except her enthusiasm, her courage, and her character, which they turned to account.

His Lordship also very judiciously represents her behaviour upon the condemnation and at the scaffold to have been very different from the description given by fanciful writers and enthusiasts. That she should have been both shocked, dismayed, and terrified, was most natural, and can in no way lessen our pity and our indignation. Voltaire's remark, too, is perfectly just, that this demeanour was quite consistent with her great and unvaried courage in the field. (Mel. Hist., iii. 265.)

An absurd error in translating Bedford's letter is made by some French writers. M. Barante (Ducs de Bourg., Phil. le Bon, liv. 3) translates "lyme of the feende"—"limon de l'enfer" (femme née du limon de l'enfer). M. Sismondi (Hist. des Franç., xiii. 146) gives it accurately—"membre du diable."

Note LIX.—p. 297.

No notice is taken in the text of the most unaccountable of all the singular circumstances connected with the Maid's history—the attempt to prove that she did not suffer at Rouen, another having been substituted in her place—because upon the whole it

should seem that this was an imposture. Nevertheless some of the matters related are well fitted to raise a doubt, they having received no kind of explanation. M. Barante passes the whole over in silence; M. Sismondi (xiii. 194) only mentions that Dom Calmet, in his Hist. de Lorraine, gives the extract from the contemporary chronicle of St. Thiebault. But the facts are worthy of attention.

M. Turpin (Sup. de l'Encyclop., i. 531) states the grounds upon which many contended that the woman was not an impostor who appeared the year after Bedford's death and declared she was Joan. *First.* Seven weeks were suffered by the Bishop of Beauvais to elapse between the last sentence and the execution, which it is suggested one so anxious for her death never would have done, except that there was delay in finding the capital convict to be substituted for her. But no delay whatever took place; and even if there had, it was easily explained by the efforts made to obtain a second confession from her. *Secondly.* Charles making no effort in her behalf is urged; but plainly no reliance is to be placed on this argument. *Thirdly.* A grant is produced from the Duc d'Orléans in 1443 to Pierre, brother of the Maid, proceeding upon his petition (supplication), in which he represents his loyalty, and especially his services to the Crown in accompanying his sister when she left her country, and he adds that he had constantly been with her ever since. *Fourthly.* The woman married in 1436 the Sieur des Armoises (some accounts have it Hermoises), a gentleman of good property. The contract of marriage between Jeanne du Lis (the name her family had been allowed by Charles to take) and Robert des Armoises is stated by P. Viguier, dean of St. Thiebault of Metz, to have been seen by him. The MS. of the Dean is cited by Dom Calmet, as is the contract: and it must be observed that Metz was the place where she said she had resided after her escape, and before she returned to her home. M. Turpin naturally remarks upon the impossibility of believing that an impostor could have deceived the Maid's own brothers, Peter and John. He does not show that John was deceived, but the MS. mentions John's belief as well as Peter's. It is to be

observed that the impostor was perfectly successful, not only in persuading the Chev. des Armoises, but many others, including the Dean himself. She resided some time at Metz with her husband, and she had also so far deceived the Comte de Vunembourg that he had armour made which he presented her with. The marriage was at Erlon: "Là (says the Metz MS.) fût fait le mariage de M. des Hermoises, chevalier, et de Gehanne la Pucelle, et puis après s'en vint le dit Sieur avec sa femme la Pucelle demeurer à Metz, et se tint là jusqu'à tant qu'il leur plaisit aller."

M. Turpin observes that it would be better at once to deny the whole story than to suppose, as some have done, that she persuaded the brothers. But it is possible they may have been in league with her to deceive M. Armoises and the Duc d'Orléans. Lord Mahon, however, adds (from Petitot) a very important fact, which cannot be got rid of by any such hypothesis. The Receiver-General's accounts at Orleans contain, it seems, three entries for money paid in 1436 to entertain the Maid and her brothers; in 1439, to entertain la dame Jehanne des Armoises; and in August, 1439, for a gift to the same lady on account of her great services at the siege. This appears in Petitot's Coll. de Mém., tome viii. 311. His Lordship justly remarks on the difficulty of supposing that the people of Orleans could have been deceived respecting her person (Hist. Ess., pt. i. 54); and it must be recollected that the first of these entries relates to a period when there must have been many still living who well remembered the siege only seven years before. M. Petitot escapes from the difficulty, and does not meet it.

There seems but one means of escaping from the conclusion to which these circumstances lead. It is not easily to be supposed that the fact of her having escaped from her enemies should have been concealed both by Charles and his partisans, and by the friends of Bedford; and in the proceeding, in 1456, for her vindication at the instance of her brothers, it seems incredible that the fact of her having survived should not have been brought forward, had not the imposture at that time been thoroughly exposed and forgotten.

The ease with which all kinds of marvels seem to have obtained believers after the first appearance of the Maid is also to be considered. Several persons came forward pretending to heavenly gifts. One of them, called the Pastouret, had even been made use of by the French captains; but being taken in a skirmish a short time before Henry's coronation he was led to Paris and treated as a madman. He was drowned in the Seine.

Voltaire (Mel. Hist., iii. 265), in very dogmatically treating the story of Madame des Armoises as a manifest imposture, says, without his wonted acuteness, that she succeeded in "deceiving the Maid's brothers." He adds, that there were two other women who had also some success in passing for Joan. As usual, he gives no authority; and among the endless number of books on the subject of the Maid it is useless to conjecture whence he took the statement.

The best of the later works are Le Brun's Extracts from the MS. in the Bib. du Roi; Laverdy's Biography, published in 1815; Quicherat's late publication, Procès de Jeanne d'Arc; and Petitot's Col. des Mémoires relatifs à l'Histoire de France, vol. viii.

M. Petitot (Coll. de Mém., viii. 325) has given a full account of Cazes' attempt to prove that the Maid was the daughter of Queen Isabelle by D'Orléans. It seems wholly unworthy of notice except that, perhaps, this opinion might explain the great puzzle of Madame des Armoises.

NOTE LX.—p. 284.

The history of these times is fruitful in similar illustrations of the weakness which the remains of the feudal system entailed upon the executive power. But I hardly know a better instance than is afforded by the intrigues which beset Charles on his wishing to appoint Richemont successor of Buchan the Constable, killed at Verneuil in 1429. Richemont, though he had been won over by Bedford's address and by his own revenge, also by Bedford's suit to the Burgundian Princess, yet retained his affection for France and his antipathy to England, where he had

been kept a prisoner, some say from the battle of Agincourt till Henry's death. The importance of winning him over to Charles was as clear; and this great national object met with endless obstacles when Charles proposed to make him Buchan's successor. The Duke of Brittany, Richemont's brother, was flattered by the proposal, and one of the motives for it was the gaining that Prince. The President Louvet was sent to the court of Brittany, but the Duke personally hated him on account of a plot against his person of which he suspected him, and which Bedford had always adroitly urged as a reason for the Duke standing aloof from Charles, whose entire confidence Louvet enjoyed. Louvet was ordered to quit the Court of Brittany, and Charles then made another attempt through the Queen of Sicily, assisted by Tanneguy du Châtel. This gave offence to Philip, and then it was arranged that Richemont should not go to Charles without that Prince's approval. This he was pleased to give, flattered with the proposition. At length Richemont went, but only to raise another difficulty: he must have the consent of Philip and of the Duke of Savoy before he accepted the Constable's staff. The Burgundian made the retirement of Tanneguy du Châtel from Charles's councils a condition of his assent on account of the murder at Montereau, and the Duke of Brittany required Louvet to be also removed because of the supposed plot against his person. Charles yielded, but retained ever after so great a spite against Richemont on account of Louvet and Tanneguy's dismissal, that he refused to allow his presence at the coronation of Rheims, and thus greatly abridged the benefits he might have derived from the whole arrangement.

NOTE LXI.—p. 350.

There is a curious paper of M. Boivin (Ac. des Insc., tom. ii. 690) 'Sur la Bibliothèque du Louvre sous Charles V., VI., et VII.' Charles V., who was fond of reading, and not merely on judicial astrology as has been sometimes said, always regarded a

present of books as the most valuable he could receive, and partly from those left him by his father, partly by his own collection, possessed 900 volumes. They were in the tower called Tour de la Librairie. They were chiefly religious, but some also on astrology—many of history—some romances—few classics, and these only poets. He read these only in French translations. He had given away some volumes. After his death twenty were added. In 1423 there were 853 volumes, valued at 2323 livres. Bedford, 22nd of June, 1425, took an account of them, and he is said in one catalogue to have bought them for 1200 fr. There is no doubt that he carried the bulk of them over to England, though some remained in private hands, having been lent before 1441, when Count Angoulême bought one of them in London. Mr. Hallam refers to this memoir (*Lit. of Mid. Ages*, ch. 1) under the name of Bouvin, and corrects Warton, who had said that Cicero was among the MSS. in the library, which certainly is incorrect. But Christine de Pisan (Livre des fais et bonnes Mœurs du sage Roy Charles V., pt. iii. ch. 12) mentions Aristotle's Ethics and Politics, Valerius Maximus, and Livy, as having been translated by his direction, and L'Abbé Lebeuf (Acad. des Insc.) gives the names of the translators.

Note LXII.—p. 185.

Now that the controversy between the parties Armagnacs and Bourguignons has so long ceased, there seems hardly in any quarter beyond the Duchy itself any disposition to defend the character of Jean-sans-Peur, or even to extenuate the enormities of which he was guilty on almost all the occasions that gave either his calculating selfishness or his cruel propensities scope to act. But the writers of the Duchy are very fond of dwelling upon his capacity and his courage, and seem to take a pride in holding him up to admiration for those qualities. Indeed it may be observed that even M. Barante, though labouring less under this prejudice, expresses himself with more forbearance than is

quite becoming upon the atrocities of which he was confessedly guilty, and dwells with complacency upon the cause of his favour with his nobles, his servants, and his troops. It is, indeed, undeniable that his blood-thirsty disposition had not made him unpopular. His courage dazzled, and his facility attracted, those about him especially who enjoyed his entire confidence when they had it at all. His popularity only affords another instance of the want of reflection and want of regard for either humanity or justice, which the people too often show in their estimate of men's merits and their feelings towards men's persons.[1] His whole history may be examined, and it will be found to exhibit no marks of good feeling, if it be not the great anxiety which he showed to vindicate himself from the charge of the Orleans murder, an anxiety which seems inconsistent with the rest of his conduct. It is described as so entirely possessing him, that during his last occupation of Paris he was much more engrossed with obtaining a decree of the Parliament to reverse the sentence against his defender, Maistre J. Petit, than with any of the other matters which pressed upon his attention. That Doctor had been dead some years; his defence had been condemned by the Council of Constance.

We have had occasion to mark the conduct of this wicked man at Paris. The assassination, and subsequently the league with the authors of the massacres, are no doubt the parts of his life most commonly referred to with abhorrence; but the butchery of the Liegeois at the battle of Hatsbaine exceeded greatly all he was ever guilty of in France. That people had revolted, not against him, but his brother-in-law, their lay bishop, of whose oppressive and unlawful conduct they had good right to complain. But had their resistance been ever so unjustifiable, and the conduct of their prince been ever so unexceptionable, the dreadful vengeance inflicted by his ally is almost

[1] It is, perhaps, a mark of the liking which the people had for him that they gave him familiarly the appellation of *Hanneton* (Le Hanneton de Flandres), as we should say giddy-goose or mad-cap, probably from his high spirit and carelessness of danger.

without example even in that ferocious age. He attacked them with inferior numbers, no doubt, but his men (including a body of Scots under Mar) were completely armed, with abundance of cavalry, of which the insurgents were nearly destitute, and though their gallant defence made the battle a severe one, the loss he sustained in no wise justified the course he pursued. He strictly forbade giving any quarter. When, in spite of this order, several thousand prisoners had been made, probably from the extreme desire of ransom, the appearance of a body of men, as at Agincourt, supposed to meditate another attack, was alleged as the pretence for issuing an order that all prisoners should be instantly put to death, and the immediate massacre of them ensued. The field was covered with from twenty-four to twenty-six thousand bodies, by his own account, though he omits all mention of this number including the murdered captives. For several days after the battle the brothers were occupied in putting to death such of the citizens of Liege as had taken part in the revolt or were suspected of having done so. The Duke and the Bishop presided in person over this renewed massacre. In their presence the wretched victims were either beheaded or thrown into the river by the dozen and the score. "Il s'acharna," says Fabert, a strong Burgundian partisan, speaking of the Bishop, "non seulement sur les coupables et sur les chefs, mais sur les femmes, sur les enfans, sur les prêtres, et sur les religieux. On ne voyait autour de Liege et des villes qui en dépendent que des forêts de roues et des gibets, et la Meuse regorgeoit de la multitude des corps de ces malheureux, qu'on y jetoit deux à deux liés ensemble" (Hist. des Ducs de Bourgogne, i. 41). These atrocities were ascribed chiefly to the Bishop, who from thence obtained the name of Jean-sans-Pitié; but the Duke, "Notre Intrépide," as Fabert calls him, had his full share in them, and the massacre at the battle was his special work. It was from the courage he showed on this occasion that he got his name of Jean-sans-Peur. Some have connected it with the fatal battle of Nicopolis, where the French knights, whose crusade he led against Bajazet, were defeated, and their leader, then Count de

Nevers, taken prisoner; but this was not the occasion. The Livre de Faits et Gestes de Bouçicault, cited in a former Note, gives a full account of the expedition (ch. xxiii. to ch. xxviii.), and of the cruelties committed at the siege, where, under the Burgundian's orders, the Turkish prisoners, who had surrendered on promise of being spared, were all massacred upon the approach of Bajazet to relieve the place. It seems a prophecy was reported to have been made that Bajazet would do well to spare the Burgundian, who was destined to kill more Christians than he had Turks. This is not mentioned by the chronicler of Bouçicault, who describes the pain suffered by the Burgundian on seeing his companions put to death—"Si grand douleur avoit au cœur luy qui est un très bon et benin seigneur;" and he compares the killing of these Frenchmen, who had come to invade the Turk and had brought the utmost scandal on the name of their country by the shameless profligacy of their lives during their pious expedition, to the massacre of the Innocents by Herod (ch. xxvi.)

Another staunch Burgundian, in the service of Philip le Bon, Olivier de la Marche, extols Jean-sans-Peur for the affair of Liege, but states the number of killed at only "about 15,000." In recounting his exploits he makes mention of the Orleans murder thus gently, "Ce que j'appelle plus grande chose que grand bien" (Mém. de Messire Olivier de la Marche, part i., ch. 2).

When we contemplate the life of this man, and reflect on the general abhorrence in which his memory is held, it is difficult to avoid the observation that men's judgments are ever determined rather by the circumstance of some single deed against an individual than by the greater atrocity of such crimes committed against great numbers. The murder of the Duke of Orleans certainly dwells far more upon all men's minds than either the wholesale butcheries of Paris or the massacre of the Liegeois and the Turks. We may further observe, that even in those abominable cruelties there was little more to be reprobated than in Henry V.'s at Agincourt, perhaps nothing so much to be abhorred

as the Black Prince's conduct at Limoges; yet these two princes have ever been regarded with admiration for their courage, certainly not greater than the Burgundian's, and their victories, far more prejudicial to the interests of their own country, as well as more cruel towards that of their adversaries, than any of the Burgundian's successes.

NOTE LXIII.—p. 318.

Such interferences of popular clamour with the course of the Government and against the best interests of the country are not confined to the fifteenth century. The unavoidable ignorance of the multitude upon delicate questions of foreign policy has often been noted as a sufficient reason for all statesmen being very slow to follow the dictates of the public voice on these important subjects—important, indeed, when it is considered that neither more nor less than the question of peace or war is involved in their discussion. Two remarkable illustrations of this danger have been afforded in the history of England, the one a century, the other half a century ago. After Walpole's truly wise administration had preserved the peace of the country at home and abroad, as well as its free government, for twenty years, he was reluctantly driven into hostilities with Spain by a war-whoop which his adversaries raised for merely factious purposes; they afterwards admitted to Mr. Burke that they had not the shadow of a case against Spain or against Walpole; they acted entirely through the clamour of the ignorant multitude. Again, in 1803, the clamour of the country, acting through, and excited by the Press in the attacks upon Napoleon, if it did not occasion, certainly hastened the war which raged for eleven years, and from the burthens of which we shall not recover for a century to come. It may be added that Lord Chatham had a decided opinion in favour of exchanging Gibraltar against Minorca, by which sacrifice he expected to obtain the inestimable advantage of Spain's co-operation against France; but his letters remain, in which

the boldest of ministers, and the least under dread of the people, betrays the excess of his apprehensions that such a proposal would raise a popular outcry enough to overwhelm himself and his ministry.

It is not a sound view of these important subjects which should conclude that the public opinion ought to have no weight on questions of this description. The just inference is that all pains should be taken to diffuse as much as it is possible to diffuse accurate knowledge, and inculcate right opinions respecting them, while statesmen are bound to exercise their own judgment, formed upon their better opportunities of discussion and ampler means of information, and fearlessly to resist clamour which they know to be groundless, proceeding, as too often it does, from some temporary delusion.

NOTE LXIV.—p. 327.

In 1788, the precedents on the subject of a Regency were examined by Committees of both Houses of Parliament. The Report of the Lords is to be found in their Journals, Vol. xxxviii. 277, "Precedents respecting proceedings on the prevention or interruption of the Royal authority by infancy, sickness, infirmity, or otherwise."

In each House two questions were raised, the power of providing for the defects of the Royal authority, and the mode of exercising that power, — whether the Regent should be appointed by address or an Act of Parliament; and whether the Act should confer the government with or without restrictions. Upon both questions, but especially upon the former, the arguments, as far as precedents were concerned, turned mainly upon those of Henry VI.'s reign. Mr. Pitt, 16 Dec., 1788, after adverting to those of Edward III. and Richard II., which were of Councils appointed to exercise the Royal authority, relied chiefly upon Gloster's having called the Parliament, and the Act mentioned in the text having been passed to ratify the assembling

of it, and afterwards appointing the Regent, with the denial implied in the proceeding of all right in the heir to the Crown, who, though only heir-presumptive, was equal to an heir-apparent in the circumstances of the case. Mr. Fox held any appeal cheap to the precedents of a barbarous age, when the country was on the eve of civil war; and he dwelt strongly on the fact of parliamentary privilege being so little understood, that at the period of the later precedents the Speaker of the Commons was in prison under a commitment by the Lords, upon a judgment in favour of the Duke of York, then claiming the crown. In the House of Lords the precedents were much more fully and learnedly discussed, 23 Dec., 1788. Lord Camden held the earlier one of Henry VI. to be a "good, substantial, and legal precedent," and affirmed that the proceedings "were then as grave and formal as at any period of our history." Lord Loughborough impeached the Report as singularly inaccurate; but he only pointed out one or two omissions of little moment. Lord Stormont entered into some details to show the distracted state of France, and contended that the times were any thing rather than tranquil. Lord Grenville did not argue the precedents except negatively, holding that there were none strictly in point, and that the question must be determined on principle and the analogies of the constitution. By far the ablest speech delivered in either House on this great occasion was that of Lord Lansdowne, whose views were enlarged and truly statesmanlike. He considered, that instead of throwing the responsibility of so momentous a proceeding upon Parliament, by calling for Resolutions on which to ground a Bill, the Ministers should have made up their minds to act upon their precedents, or if those failed, then to act upon principle; whereas they shifted their responsibility upon Parliament. He blamed this novel practice, introduced in the American War, as confounding the executive and legislative functions, lessening the responsibility of the Government, and weakening the control of the Parliament. That some risk would be run by whoever affixed the Great Seal without the Royal authority, he admitted; but then great offices, he said, were created for the

performance of great acts; and no one who was unwilling to run great hazards should accept great situations.

The result of these debates was the adoption by both Houses of resolutions, that the right to appoint a Regent had devolved upon them; that the appointment should be made by Bill; and that the office should be given under restrictions touching the grant of peerages, pensions for life, and patent places, and with the exclusion from making household appointments which were vested in the Queen, as having the custody of the Royal person. The Bill which was brought in upon the Resolutions, passed through the Commons with considerable majorities, though much less than on ordinary occasions;[1] and it had reached the last stage before any period was fixed at which these restrictions were to cease—Mr. Pitt's extraordinary plan being, that Parliament should again be resorted to for another measure, if it appeared that the King's illness was likely to continue. Just as the Bill was about to leave the House, he agreed to insert a provision confining the restrictions to three years. It had been read a second time in the Lords, when the King's recovery put an end to the whole proceedings. But in the mean time a Commission had been sealed without any authority except the votes of the two Houses, and the Session was opened under it. The adoption of this by the King on his recovery has been considered as making the precedent of 1788–9 an authority of all the three Estates of Parliament in favour of proceeding by Bill, and not by Address, and in favour of two Estates acting, not without the third, which would be intelligible, but with the third's concurrence only given by themselves.

In Ireland an entirely different course was pursued. The two Houses there proceeded by address, calling upon the heir-apparent to take upon himself the Government as Regent of Ireland during the King's illness, with all the regal powers and prerogatives belonging to the Crown. All the questions that arose in that country were determined by large majorities, the

[1] On the peerage restriction, 268 to 204, instead of above two to one, which at that time was under the usual proportion.

opposition appearing to be in possession of the Government even before the Regency commenced.

In 1810 the King again fell ill, and never recovered. The precedent of 1788 was followed, and the Regency was conferred on the heir-apparent by an Act which continued in force till the demise of the Crown in January, 1820. The principal alteration made was in the time of the restrictions continuing; it was reduced to one year. Narrow majorities only sanctioned the adoption of the precedent; on the Peerage question 226 to 210; and on the Household appointments the clause of the Government was rejected.

The Union having destroyed whatever of authority the Irish proceedings might pretend to, the English precedents of 1788 and 1811 must be understood to have fixed the law of the Constitution. That they sin against its fundamental principles is certain. They introduce a proceeding wholly anomalous and absurd—the pretence of passing an Act by the three branches when only two are in existence; and they rudely violate the monarchical principle by sanctioning a capitulation of the undoubted heir to the Crown with the other Estates, thus armed with the power of making terms or imposing conditions. Both precedents were the result of the relative position of parties in Parliament, and the way in which they were balanced against each other.

In 1423 the Commission does not set forth that the King is unable to attend (Rot. Parl. iv. 197); but in 1455, when he was ill and incapable, it is stated that he cannot be present "propter certas justas et rationabiles causas" (Rot. Par. v. 278). Sometimes the Commission sets forth his illness as the cause, and that attending to business would prevent his recovery (Rot. Par. v. 453). In Commissions now, when the King does not attend, it is said, that "for divers causes and considerations we cannot conveniently be present in our Royal person," or "do not think fit to be present in our Royal person." (See Note LXXII., *infra.*)

NOTE LXV.—p. 335.

The great diversity in the ultimate result of the English struggles for a free, that is, a rational and stable mixed constitution, and those of the French barons and towns, might lead the careless observer to imagine that there was a greater contrast in the circumstances or in the character of the two nations, and of their popular bodies, than really existed. The cause of the diversity appears to have been this:—The sovereign in France obtained every accession of territory, both of his own domain and of the dominion at large. This enabled him, with the new power and influence thus acquired, to press upon his former subjects. Whatever he obtained beyond the force required to maintain his authority over the new dominions was available to him in extending his authority over the old. But this operation depended upon the circumstance of each province so added having previously been under some chief possessed of a certain power independent of his vassals, beside the right to obtain help from those vassals to a certain extent, that is, on certain occasions. If in France the whole fiefs had been thoroughly incorporated and become one community with a central government, and with one assembly acting for the whole, it would probably have happened there as in England, that the Crown could do everything but raise money, and that the necessity of applying to the body for supplies would have laid the foundation of a popular constitution, by giving the people a regular control over the sovereign's measures. It is quite certain that no assemblies in any part of France ever showed, in any period of French history, a more abject submission to the reigning sovereign, or flattered his caprices and crouched before his violence more slavishly and more shamefully, than the English Parliament in the fifteenth and the first half of the sixteenth centuries, with the single exception of money grants, in which alone the most cruel and profligate tyrants ever experienced the least difficulty. But had England, like France, continued divided into seven principalities, each having its Parliament as well as its domain, the Plantagenets and the Tudors would not have

found more difficulty in obtaining supplies from any one than they did in gaining the consent of the body which represented the whole seven, to their very worst acts, whether legislative or judicial, of pillage or of murder.—See Lord Brougham's Pol. Phil., Pt. I. Ch. XIII.

NOTE LXVI.—p. 335. *States-General before Henry's Invasion.*

The constitutional history of France is involved in still greater obscurity than that of England. The assembling of the States-General being only occasional, and the more regular meetings of the Provincial States being occupied with matters of inferior importance, no details have been preserved by historians which can throw a steady light on their proceedings; often, indeed, the mention of their having been held at all is omitted. The records of the eleven Provincial Parliaments, and of the more important Parliament of Paris, are preserved, but they relate chiefly to judicial proceedings. The Ordinances are the only authority to which we can resort for information respecting the history of the legislature; but these are confined to occasions on which some law was made or other measures finally adopted, and take no notice of any other proceedings; and even where they are most full, they give the result only, without noting the steps by which it was arrived at. In the earlier periods, too, there were not many Ordinances made, at least not many that have reached us. Between the years 921 and 1051 none are to be found, and only two between the latter year and Louis IX. (St. Louis') time, the middle of the thirteenth century. The others are not properly Ordinances, but rather charters or grants to particular towns, or regulations touching the royal domains, than general laws. It may further be observed that the remonstrances of Provincial States, and the concessions made to them, were sometimes important, and had a bearing upon the general system by affecting the power of the Crown and the influence of the people; yet in very many instances the Ordinances contain

no traces of such proceedings, because, generally speaking, the business brought before those Provincial States was of subordinate and local interest. Edict differs from Ordinance in being usually confined to one matter; Ordinances are more general and extensive, but we shall use the latter term in all cases.

It appears that the opinion is unfounded which ascribes to the States and the Parliaments a different origin. Both arose out of the National Assemblies held at stated periods in the earliest times of the monarchy, and before the feudal system could be said to be established. There were originally two meetings held in the year, one after seed time, the other after harvest, but afterwards the only meeting was in spring. These meetings were called *Champs de Mars*, and subsequently *Champs de Mai*. They were attended by all warriors, that is, all the freemen, at first, afterwards by the chiefs and other leaders, and were military assemblages for mustering the forces and announcing the enterprises in preparation. By degrees the attendance was confined to the tenants in chief (*in capite*), the vassals of the Crown, and many of the prelates also attended. This restriction had been completed at the end of the Second race; but some judicial business had in the process of time become joined with the other subjects of deliberation, or perhaps we should rather say of announcement, of notification by the sovereign to the leading men of the community. He had another council selected by himself, and to which only those came whom he summoned. It assisted and advised him, particularly in preparing the matters to be laid before the General Assembly. Although differing from that Assembly by being selected, it yet was taken from the same classes, the barons and prelates; and beside meeting as often as its aid was required by the King, it always met at the same time with the General Assembly. It thus happened that the two bodies became by degrees confounded together; and though we are wholly ignorant of the steps by which their consolidation was brought about, we know that it became complete during the first three centuries after the establishment of the Third race, probably before the

beginning of the thirteenth century. Certainly in the earliest part of that century there existed no longer two bodies, but only one, which had then acquired the name of Parliament. The stated meetings under the First race were called by the name of *Mallum* or *Mallus*, sometimes *Placitum*, sometimes *Synod*. Under the Second race they were called *Colloquium* also. The translation of this term (and it is said also of Mallum) into Parliament occurs not before the time of Louis VI. (le Gros); but in that of Louis VIII., at the beginning of the thirteenth century, it became the usual appellation. There were then eleven Parliaments, beside that of Paris, and all those bodies had become merely judicial, that of Paris exercising a superintending power over the other tribunals. Although all these Parliaments met from time to time, yet the regularity of their assembling was enforced by the great changes which Louis IX. (St. Louis) introduced into legal proceedings. Philip IV. (the Fair), in 1302, fixed the ordinary meetings of the Parliament of Paris to be held twice a year. It is sometimes said that he also fixed Paris as the place of the meeting, but this is erroneous: his Ordinance rather assumes Paris to be the place than appoints it. We know that of sixty-nine Parliaments held between 1254 and 1302, all but two had been held at Paris; and then it is equally certain that after the date of the Ordinance (1302) the Parliament was sometimes, though rarely, held elsewhere. The name Parliament of Paris was always given to it since 1291. In 1284 Philip III. (le Hardi) assembled a meeting of prelates and barons to consult them on the Pope's pretensions to dispose of crowns. This meeting, by some considered as one of the States, ordained him to submit to the claim.

Although it had become in process of time a merely judicial body, and rarely consulted upon state affairs, yet at all times the National Assembly, both in France and England, had exercised certain judicial functions, together with its more general attributes. Most of the Ordinances before 1334 purport to be by the advice and consent of the Parliament; and even where this is not stated, the coincidence of their date with the known

date of the Parliament's meeting, shows plainly enough that they continued to be the result of a deliberation with the body. After that time the Parliament was only called upon to register the Ordinances. This gave a considerable influence to the Parliament of Paris, which had the right of remonstrance before registry; the Provincial Parliaments only could remonstrate after registry. But the influence of the former was always considerable upon the conduct of affairs, not merely from the right of remonstrance, but from their regularly meeting at stated times, and from the importance of the members, magistrates and other lawyers, persons of weight with the community at large. The Parliament of Paris, beside remonstrating, might refuse to register; and though compellable by the King holding a Bed of Justice, which was a more solemn meeting of the Parliament attended by the King's court in great state, yet it cannot be doubted that many Ordinances were prevented and many modified in consequence of this power of refusal. A compromise was made, as always happens when two conflicting powers exist in any state not under despotic government.

The States-General, on the other hand, never had an appointed period of meeting; they were only called by the crown occasionally, when assistance was wanted. The Provincial States, which were the remains of the old Mallum, Placitum, Colloquium, or Parliament of the province when it had been a separate and independent principality, continued to meet with some regularity after it was united with other principalities; but the influence of such a body necessarily became very inconsiderable after the union, and it was only when the States-General, or those for all the principalities, were convoked, that they could have any great weight in the management of the general concerns. Thus the Provincial States from the union of the principalities, although their meeting was more regular, and the States-General from their having no regular meeting, alike became of less importance than the Parliament.

There prevails great uncertainty both as to the manner in which the States were substituted for the Parliament in so far

as regards their interference with state affairs, the period at which the Parliament became confined to merely judicial functions, retaining only the right of remonstrance as regarded general legislation, and the time at which the States-General were first assembled. The common opinion considers Philip IV. (the Fair) as the first prince who convoked them, when in 1302 he was desirous of their support against Boniface VIII., with whom he had quarrelled for his interference with the church patronage of the Crown. But it is probable that St. Louis half a century earlier had held a meeting at Beaucaire (1254) of Prelates, Barons, and Burgesses; it is at least certain that his Ordinance upon the export trade addressed to the Seneschal of Beaucaire recognises those bodies by making their assent in a council necessary before the Ordinance could be suspended. There is, however, no doubt that Philip IV. first gave the States General the name, and conferred upon them a regular character by requiring the towns to send deputies, while the Prelates and Barons should attend in person. Beside assembling them at Paris in 1302 against the Pope, he convoked them at Tours in 1308 to sanction his atrocious persecution of the Templars, and again in 1314 at Paris to advise him—that is to have the appearance of supporting him in his tampering with the currency, and to join him in levying a tax upon all sales of personal chattels. The States thus assembled were those of the Langue d'Oil, or the provinces in the north and centre of France, living under customary law; but probably he took the same proceedings with the States of the Langue d'Oc, or the southern provinces, living under the written law—that is, the Roman law, the law of the Barbaric Codes. That Philip IV., the most absolute of all the French Kings, and the one who went furthest in levying taxes by his own mere authority, should have been, if not the first to assemble the States, yet certainly the first to clothe them with the authority derived from the manner of their composition being fixed, is a clear proof how little those assemblies in that age afforded a check to the power of the crown.

His son, Louis X. (Hutin), a prince of very inferior capacity,

took part with the Barons, as Philip had with the community, and revoked the greater part of the Ordinances for restricting their privileges, and rendering the administration of justice independent of their authority. But, probably to avoid exciting the jealousy of those Barons, he did not convoke the States General, and only answered the complaints of the provinces through their States separately. His concessions to those provinces, made in consequence of their States representing their grievances, were most important, although chiefly in favour of the Barons, and in their immediate effects injurious by abrogating wholesome Ordinances of the three preceding reigns. The charter to the Normans especially was of great value, because, beside restraining the use of torture, it pledged the sovereign to abstain from tampering with the coin, limited the right of purveyance, prohibited the removal of causes from the Norman Exchequer to the Parliament of Paris, and, above all, declared that no tenth or other tax should be levied, and no service of any kind exacted, beyond those established by ancient usage. This is by some writers represented as an Ordinance of the States General. (Mezeray; Boulainvilliers, ii. 468, who gives it as made in Philip VI.'s reign; Encyc., vi. 22; Thib., i. 96, 110.) Other concessions were made to satisfy the Barons, as restoring the right of private war. The States of Languedoc obtained at the same time a compliance with their demands, though they were more reasonable, and made no reference to private war. Most of the other provinces succeeded likewise in their application to the King; and the whole of these proceedings must be allowed to have raised the States in importance as deliberative bodies, although the probability is that Louis X. never assembled the States General at all. His death leaving only a posthumous son, opened the succession to his brother, Philip V. (le Long), who assembled the States (1317) in order to obtain the recognition of his title, and the exclusion of his niece as far as any law goes. This was the origin of the exclusion of females.—(See Note LXXII., infra.) He again in 1319 convoked them on account of the confusion in the finances, and in 1321 to consider the grievances of

which the country complained; but no particulars are preserved of the proceedings at those meetings. Thus much is certain, that while he in his proclamations admitted the subject's right to be free from all but the established burthens, and from all tampering with the currency, his conduct set such principles at defiance, quite as much as his father's had done. Charles IV., whose reign is described in detail by no historian, commenced it with frauds upon the currency, apparently consented to by the Third Estate, in 1322; and he afterwards revoked all the grants of crown lands made by his father and his brothers. The race of Capet ended in him, and the family of Valois succeeded.

Philip VI. (de Valois) finding that the expenses occasioned by the English invasion in the north, and by the extravagance of his own court, required extraordinary supplies, convoked the States General at Paris in 1343. They granted him the *alcavala*, lately introduced into Castille—by far the worst tax that ever was invented; it was fixed at two-fifths per cent. on all sales whatever. He had already established the salt-tax (*gabelle*) without any consultation of the States; and in return for the alcavala he promised a redress of their grievances, particularly a restoration of the coinage to its former standard. But he soon after reduced it, by several operations, to one-fifth of its value, pretending to have obtained the consent of the States, whom he never had assembled upon the subject. He made other Ordinances of his own mere authority, deserving of great commendation. One of them encouraged the resort of foreign merchants to the fairs of Champagne, by giving them freedom from all duties, perfect security for their persons, and a court composed partly of judges, partly of merchants, for the summary decision without appeal of all disputes.[1] Another Ordinance (1344) regulated the appellate jurisdiction of the Parliament, abridging the delays of its proceedings, and requiring that each cause should be heard and disposed of in its turn.

[1] It was a bad addition to this wholesome Ordinance that required all the clothiers in the great towns to expose their goods at the fairs before they were suffered to sell them in their own shops.

Philip also confirmed the Norman charter of Louis X. on the demand of the Norman States; and historians represent the declaration which he made (1338 or 1339) against levying taxes without consent, generalising the most important provision of that charter, as having been obtained from him by the remonstrances of the States General.

The invasion of Edward III. had in part occasioned the calling of the States in 1343; but the progress of his arms in Gascony, and the expectation of a more formidable descent in the north, made Philip convoke the estates of the Langue d'Oil at Paris and those of the Langue d'Oc at Toulouse early in 1346, to meet the complaints which had everywhere arisen from the forced loans, the grievance of purveyance, and still more, the gabelle and the alcavala. Some relief was given from those oppressions by stopping the loans, regulating the purveyance, suppressing certain places, and prohibiting the grant of protection to courtiers against their creditors. But the principal concession was a promise that the gabelle and the alcavala should cease with the exigencies of the war, and that the States should be soon assembled to abolish those taxes. The southern States granted a hearth-duty for the expenses of the war; and all the promises made were immediately forgotten by the King, who to the other burthens added that of further depreciating the currency. After the battle of Crécy, when his difficulties had greatly increased, he had recourse, not to the States, but to new tampering with the coin, collecting the gabelle more rigorously, levying a tax on all persons not noble, and extorting money from the Jews and Lombards. He also disbanded his army both in the north and in the south, to save the cost of maintaining them during the winter; they were chiefly maintained by plundering the country until he again mustered them for the field.

In the following campaign he did not improve his position; but both parties were exhausted by the war, and a truce was agreed on, which lasted during the remaining three years of Philip's life. In the course of that time he repeatedly debased the currency or raised its denomination—in 1349, 1350.

one year no less than nine times; but he obtained from the city of Paris an aid in the shape of a duty on all goods sold within the town. He also exposed to sale the magisterial offices, which had the right of imposing fines for offences. He obtained from the States of the Langue d'Oc, which always met more frequently than those of the Langue d'Oil, some aids in return for the extraordinary grants made to them through his commissioners, who were authorized to pardon all crimes, treason excepted, to ennoble persons of base condition, to give letters of legitimacy—in short, to exercise all the powers of the crown, so they only obtained supplies.

The assembling of the States during the following reign was both more frequent and more important, in consequence of the Crown's difficulties being increased by the extravagance of the court, and still more by the disasters of the war. As the truce was to expire in August, 1351, John applied to the States of the Langue d'Oc, but summoned them to Paris with those of the Langue d'Oil in February; and being unable to obtain from their combined resolutions the help required, he treated with the States of each province separately. From some, as Normandy, he obtained a duty on sales, and in return gave a renewed prohibition of private war. From others he received the same duty, and in return gave the Barons a restoration of the right of private war and a restriction of purveyance. The States of Languedoc gave a fixed sum for each sénéchaussée on condition that nothing more should be demanded during the year, and so of other provinces. But all the while the King was making constant changes in the currency, insomuch that in the very same year (1351) he altered it no less than eighteen times; and by such operations and other exactions drove the Lombard bankers out of the country. The truce was renewed for another year, and by such exactions and such dealings with the coin he contrived to carry on his government without any meeting of the States till 1355, when the renewal of the war compelled him to assemble them. The proceedings of this meeting were by much the most important that had as yet taken place. There were voted thirty thousand men and

five millions of livres, to be raised by a graduated capitation tax, the real origin of the taille, or rural income tax; but great concessions were made by the King for this aid. Purveyance was wholly abolished, and resistance by force to whoever should seize any provisions under this name was expressly authorised. The vexation exercised towards foreign money dealers was prohibited; all monopolies of the great officers and other courtiers were abolished; the currency was fixed permanently; the duty on sales of personal property was made applicable to the King and the royal family. But the most essential of all the changes introduced were these three:—that no resolution of two estates should bind the third, thus making their joint assent necessary in all cases—that each of the States General should appoint superintendents, and all the Provincial States officers, to regulate the levy of the taxes, as well as to prevent their produce from being diverted to purposes other than the charges of the war—and that the States General should be convoked the following November, beside meeting again in March without any new summons. 1351.

This Ordinance, issued 22nd January, 1351, has often been likened to the Great Charter of England, and in one respect the resemblance is complete: the King John of France no more intended to stand by the concessions he had made than did his namesake of England. However, he was defeated and taken prisoner at Poictiers before he had an opportunity of breaking his word; and when the States of the Langue d'Oil met to aid the Dauphin in carrying on the war, and paying his father's ransom, they compelled him to make still more ample surrenders of the royal authority—to dismiss his councillors, and even his domestics—to give the States the power of meeting without his summons—and of appointing deputies of their own who should reconstruct his Council, the Parliament of Paris, and the Chamber of Accounts. Nearly the same course was pursued by the States of the Langue d'Oc, assembled at Toulouse under Armagnac as the King's lieutenant. They granted 8000 men, with their pay; the States of the Langue d'Oil 30,000, in return for the large con- 19 Sept. 1351.

cessions which had been extorted. But no sooner had this revolution (for such it was) been accomplished than the Dauphin found means to sow dissensions among the Three Estates, making the prelates and barons jealous of the towns, while he could trust to the pressure of the new taxes exciting general discontent; but above all he could rely on the alarm which now began to spread over the country at the great bodies of freebooters, reinforced with the disbanded soldiers during the truce. The prevalence of this alarm prevented the Dauphin's adversaries from opposing him in his resistance or contempt of the States;[1] and after a short delay he dismissed them, with a declaration that he should henceforth exercise himself the royal authority until the King's liberation. But the adherents of Marcel and Lecocq, who had been the popular leaders in the late proceedings, were severely punished when the reaction took place, and when the Dauphin had the support of the barons against the commons and the towns. Marcel himself was killed in a tumult, and as many of his followers as could be seized met the same fate, though under the forms of a trial. It should seem that the jealousy now established among the Three Estates, and the dread in which all the community now lived of the armed bands spread over the country, deprived the States of the whole power which they had recently exercised against the Crown. The Dauphin several times convoked them without any apprehension of their again encroaching on his authority. He obtained but little aid from them in the conduct of the war, nevertheless they joined him in rejecting the shameful treaty partitioning France between Edward and himself, which John had signed in London as the price of his liberation; and they also conferred upon him the title of Regent during his father's captivity. They were not asked to ratify the Treaty of Bretigny, by which the war was closed, and which was nearly as unfavourable to England as John's partition would have been to France; but there was no occasion for any such sanction, as the peace, had it been ever so disadvantageous to the country, was sure to diffuse universal joy

28 May, 1359.

[1] P. Dan., v. 471.

among a people exhausted by the long and calamitous war which it seemed to terminate, and now suffering cruelly under the devastations of the "*Compagnies*," the armed bands to which it had given birth.

The name of "*Wise*," which the Dauphin (afterwards Charles V.) owed to his love of reading (Note LXI., *supra*), and especially, it is said, to his taste for judicial astrology, belonged to him by a far higher title. History presents us with few examples of more distinguished talents for the conduct of affairs in seasons of the greatest difficulty than he displayed, without any considerable exception, during the whole of his regency and reign. The want of firmness which he had early shown made it be supposed that the defect extended from personal to moral courage, but this was certainly a mistake; for the hesitation which has been imputed to him on some occasions was only in appearance, and his temporary inaction, his yielding to circumstances, arose undoubtedly out of the often inextricable difficulties of his situation, from which he was sedulously providing the means of escaping, if he could not surmount them. In all his necessities he carefully avoided tampering with the coin; he never imposed taxes of his own mere authority; he protected the Jews, and obtained advances from them; he gained the favour of the clergy, who proved most useful allies against the English; and he steadily resisted the encroachments of the Pope, preventing effectually all appeals to Rome. After partly gaining over the States, partly freeing himself from their usurpation, he assembled them only when he required supplies, which he obtained to a larger amount than any of his predecessors, and when he was desirous of their concurrence in his opposing Edward, who had put an end to the peace of Bretigny. They heartily joined him; and with their aid, supported by the country, he was enabled to reconquer all the territory which the treaty had given up. By his wise and successful administration he had materially increased the power of the Crown. When he avoided calling the States, he took counsel with the Prelates and men of personal distinction; and he leant upon the Parliament as a body both less likely to control him and of more weight by

its composition as well as its judicial functions. He made, by "the plenitude of his royal authority," as it purports to be, his Ordinance for fixing at fourteen the majority of the Sovereign. During the last eleven years of his reign the States-General were never convoked, but he frequently had recourse to those of the Provinces.

The Ordinance respecting the King's majority was set aside on Charles VI.'s accession. A regency being formed under the Duc d'Anjou, the King was soon after crowned, and the government administered in his name (Note LXXII. *infra*). The Regent had possessed himself of the whole treasure left by his predecessor, and it became necessary to collect the taxes; but the Parisians revolted, and extorted an Ordinance abolishing all the imposts, without exception, laid on during the last sixty years, since the reign of Philip IV. (the Fair). The Nobles took the opportunity to raise a mob against the Jews, and rob them of the title-deeds and other securities which they had given for borrowed money. The confusion into which the finances of the country were flung made a meeting of the States-General necessary. It was held at Compiègne, but no supplies could be obtained. Notwithstanding the repeal of the taxes, the Government continued to levy them by force wherever they dared.

After reigning eleven years with an authority which his uncles frequently shared in opposition to his will, his reason, always feeble, gave way, and for the remaining thirty years of his life he was, with some lucid intervals, in a state of incurable madness, ending in imbecility. The quarrels and intrigues of the pretenders to the regency greatly increased the miseries of the country, which became the theatre of civil war. During this dismal period there were no meetings of the States, but one or two assemblies were held of the nobles and other persons of rank,

1410. with a number of citizens of Paris, at one of which the King made an Ordinance revoking grants of places, and providing that the produce of taxes, as well as the profits of the royal domains, should be applied to the expenses of the war. However, one more meeting of the States-General—for such it

appears to have been, though some have supposed it to be only an assembly of Notables—was held before Henry's invasion, in the expectation that the wretched condition of the country might not be imputed to the conduct of the Government alone, but might be made to appear in part the work of its representatives. The assembly was held at Paris, and consisted, as is said, only of the Prelates and Barons accustomed to attend the Court, with the Deputies of towns nearest the capital; for the country was so divided among the forces of the contending Princes, that communication between its different provinces was almost entirely interrupted by the soldiery and the bands of robbers who everywhere infested it. The application for supplies to prepare against the threatened invasion was refused. The grievances of the people were detailed by the few who took part in the proceedings; and a promise being given to take them into consideration, the meeting was dismissed. 1413.

NOTE LXVII.—pp. 343, 349, 453. *The Compagnies, Freebooters, or Robber-Bands.*

During the period to which we have been referring in the last note, the condition of the peasantry was truly wretched. The rise of the towns into importance, from the emancipation of their inhabitants and their acquisition of wealth, had been slowly but steadily going on during the twelfth and still more during the thirteenth century; but very little change had taken place in the country, the inhabitants of which, for the most part, continued in a state of servitude. In France, however, as in other countries, manumissions became more frequent towards the end of the thirteenth century; and Philip the Fair, by one Ordinance, gave liberty to all the serfs in his domain of Languedoc, converting their services into a small money payment. His successor, Louis X., extended this to all the villeins of the Crown.[1] The

[1] Robertson (Charles V., book i. note xx.) has not referred to these Ordinances with his wonted accuracy. He considers them as a general law

other Lords appear to have followed this example, and before the middle of the fourteenth century a great proportion of the peasantry were no longer in a state of servitude. But the immediate consequences of the change were far from proving beneficial. The poor serfs had not any desire to exchange their dependent but protected condition for a state of freedom[1] strange to them, and entailing self-defence and self-support; while the owners of the soil, no longer regarding them as their property, felt neither the duty of assisting them nor the disposition to spare them. All the accounts which have reached us represent the condition of the peasants in that age as the most deplorable of which history affords any example. It had become a proverb that the peasant, *Jacques Bonhomme*, as he was called in derision of his spiritless nature, could not be too harshly treated, and that he could only be made to give up his wretched savings by blows. The English invasion added to the miseries of his lot; for first the ransoms of the Barons, if taken prisoners, must be paid by extortions from the peasantry, even when the ravages of war had not extended to the district; and then the end of each campaign set free, from both armies, bands of ferocious soldiers, who, driving the trade of freebooters, were the terror of the whole country. The villages were deserted, and the towns crowded with starving fugitives. Even the neighbourhood of Paris was not safer than more remote districts; and the greater part of the inhabitants of the Isle de France sought refuge within the walls of the capital.

The disasters of 1356 and the disbanding of soldiers on both sides had greatly increased the numbers of the freebooters, now

affecting *all* serfs in France, and states that no such law is to be found in our statute book. In fact, neither Philip nor Louis could do more than enfranchise their own serfs; and the latter in his Ordinance only expresses his hope that "other Lords will follow his example."

[1] Not only serfs or villeins refused being emancipated, but free men often became serfs for the advantages of protection and support; in the same way as owners of allodial property, at an earlier period, obtained infeodation for the like benefit of defence which they derived from it.

called the "*Companies*,"[1] although the evil had existed in a considerable degree during the greater part of the war. They received further reinforcements when the civil war broke out in 1358, by the quarrel between the Dauphin and the King of Navarre. The peasants, driven to despair by the cruelty and pillage of these marauders, armed themselves in their own defence; but exasperated likewise by the oppressions of the Barons and the refusal of the Government to protect them from the Companies, they attacked and plundered their châteaux, and committed every kind of excess. This *Jacquerie*, as it was called from the name given to the peasants, after producing great mischief and many murders, was in a few weeks put down by the union of all parties, French, Navarrese, and English, against the unarmed insurgents, of whom above 10,000 were massacred almost without resistance; and the country which had chiefly been the scene of the insurrection, the Isle de France, was left almost unpeopled. The peace after John's return added greatly to the force of the Companies, now composed of Germans and Brabanters, as well as of French. Their numbers amounted to 16,000. They were joined by some gentlemen and not a few officers. Their devastations became more extensive; they were indeed the curse of the country, assailing all persons and all property. An army of 12,000 men sent against them, under Jacques de Bourbon, was defeated and their commander slain. They were then bribed by large gifts of money to go and serve in Lombardy, under the Marquis of Montferrat, against the Barons; but many of them returned, and, joining those who had refused to go, their numbers now amounted to 30,000. Their depredations were not confined to France: they attacked the dominions of the Emperor, who succeeded in repulsing them, but they then laid France waste; and, after an unsuccessful attempt, by the joint efforts of the Pope, the Emperor, and Charles V. of France, to make them serve the

[1] Separate companies were called *Malandrins;* when several were united, sometimes as many as six or seven, they were called *Grandes Compagnies.*—*Anc. Chron. de France. Malandrino*, in Italian, meant robber.

King of Cyprus against the Turks, the latter prevailed on them to serve under Du Guesclin, in Spain. By their assistance, he succeeded in dethroning Pedro the Cruel, placing Henry of Trastamar in his stead.

The Black Prince then obtained their services in Pedro's behalf, whom he had undertaken to restore; nor is it easy to say whether the wickedness of the design, or the detestable agency which he employed in the execution of it, fixes a more indelible stain upon the memory of that Prince. The loss of the English conquests in the south of France could not, in all likelihood, have failed to punish their authors after no very long delay; but Edward's conduct in this enterprise is justly believed greatly to have hastened that event. Historians are agreed in ascribing it partly to this cause, and partly to the insolent arrogance of the English in their intercourse with their fellow subjects of France.—The Companies were reduced in the Spanish campaign to 6000 men; and they resumed their vocation of plunder and massacre upon their return from the Peninsula. But Charles, now that their numbers were so much diminished, could take effectual steps to curb and to disperse them, and they appear no longer in his reign to have ravaged and alarmed the country.[1]

1367.

It must be observed that the general habit of plunder which characterised the age was not without its effect in producing this pest. The English expedition itself, both at first in the north and afterwards in the south, was undertaken wholly with the view of pillage, the absurd claim to the crown being only put forward as a cloak to cover the real object of the enterprise. The unexpected accident of Philip's cruelty in massacreing his Genoese auxiliaries at Crécy, and the panic of the Dauphin and his Court at Poictiers, alone gave the war a serious aspect, because these unforeseen incidents rendered it possible for the invaders to make conquests.[2] Again, many of the persons who rose to the highest

[1] Mez., i. 846. P. Dan., vi. 30, 160.

[2] Mr. Hume takes this just view of both Edward's and Henry's wars (ch. xix.), though led away by the vulgar admiration of talents and success

ranks, both in the French and English armies, had begun their career as freebooters. The Constable Du Guesclin, as he became under Charles V., was originally a captain of Companies. It should seem that Sir Robert Knollys, who commanded against him on the side of Edward, at one time followed the same profession. The great body which spread desolation through France and parts of Germany was joined by gentlemen, who partook eagerly of their plunder. Even ecclesiastics of some rank took part in these shameful excesses, as in a preceding age bishops had been found commanding bands of robbers. The alliance of the Black Prince with the Companies betokens the entire relaxation of all principle and want of honourable feeling which prevailed, and shows the general impression on men's minds that robbery ceased to be a crime if it was attended with hazard—in other words, accompanied with bloodshed. A chronicler of those times, after relating that Charles's soldiers, when stationed to protect travellers, generally fell upon them like the freebooters, adds, that "knights, professing to be the King's friends, whose names he dares not mention, headed bands of those robbers, and were well known as such when they came to Paris, but no one ventured to denounce them;" and as for Du Guesclin, after his services had been rewarded with a grant of the county of Longueville, instead of driving the freebooters from the realm, as he had promised, he suffered his men to pillage the whole country, robbing also on the highway.[1] But perhaps there can be no better proof given of the systematic encouragement of robbery and violence than the clause which the States General insisted upon the Dauphin adding to the famous Ordinance which they extorted from him in 1357; full leave was given to all his subjects to take whatever booty they could seize from the enemy, without any control of the King's officers or any sharing of his troops, unless in so far as they had joined in the act of plunder.[2]

so far as (ch. xvi.) to consider the Black Prince a perfect character even for humanity.

[1] Contin. Gul. Nang., 154.

[2] Thibaudeau, Hist. des Etats Généraux, i. 149. This work has the merit

Nothing could exceed the barbarity with which those desperate men carried on their warfare against all property, and indeed all life. The torments which they inflicted on their miserable victims to extort a confession where their effects were hid, or to make them ransom themselves, are described by all contemporary writers, as well as the wanton murders which they committed from the mere love of slaughter. Sauvages, in his notes to the *Chroniques de Flandre* (referred to in Note LXIX. infra), quotes an ancient poem, called *Le Vœu du Héron*, in which one of the brigand chiefs, 1338, under Robert d'Artois, makes his knights swear on a heron that in Edward III.'s service they will carry devastation into France, and neither spare "ne monasterie, ne autel, femme grosse, ne enfant que je puisse trouver, ne parent, ne amies."

Note LXVIII.—p. 347.

Considerable embarrassment is experienced, if not error introduced, in consequence of the inaccurate and various use of terms in the French finance of former times. The same word is used in different senses, and different words in the same sense. Thus, *aide* is sometimes used for any tax, sometimes for a subsidy or voluntary gift—what in English history is termed a *benevolence*, and

of giving a fuller account of the Ordinances than M. Sismondi and others; but the want of particular reference to his authorities is a fatal defect; and the inaccuracy to be found in many places begets a natural distrust where no voucher is referred to. Thus we find a statement in one place (i. 115) that Normandy and Picardy formed the *greater part* of the provinces of the Langue d'Oil; and in another (i. 122) the author speaks of the Pays de Langue d'Oil and those of the Lois Coutumières as different, the form of the expression clearly showing that this is not an error of Langue d'Oil for Langue d'Oc, but that he considered the latter as Pays de Coutumes. It may be added that the work is evidently written to support certain opinions connected with the political controversies of the day. However considerable may be its merits, no one can compare it in point of interest to the same author's Mém. sur la Convention et le Directoire, though it was hardly possible that this should not also bear the marks of his unavoidable prejudices. It is nevertheless a valuable work.

in French a *don gratuit.* Its appropriate meaning is either the feudal aide due from the vassal according to custom, that is, by his tenure, and so due to the sovereign also in his capacity of lord; or it is an aide which had its origin in that relation of lord and vassal, but which afterwards was taken independent of custom. But it is also usual to distinguish *aides* and *taxes*, describing the former as due by custom in ordinary times, and the latter as granted, or it may be levied without any grant, upon an extraordinary emergency. Then it is not uncommon to distinguish *aides* and *taxes* by referring the former to the feudal tenures, the latter to the mere relation between the sovereign and the subject, wholly independent of any feudal consideration. Sometimes they are opposed to taille, the term being used to designate all taxes except the taille.

But then that aide is the term frequently used where custom and service are out of the question is also certain. Thus, we find *aides loyaux* used to designate the general tax imposed by Louis VII. to defray the expenses of his Crusade; and yet the definition of *aides loyaux* is (as the word implies) any tax imposed by law. These aides were originally voluntary, and termed *droits de complaisance*. Again we find *aides raisonnables*, which were those obtained on unusual occasions, as *aide de l'oste et chevauchée*, for charges of war. It is sometimes stated that aide and tax differ in this, that aide is the duty imposed on sales (the alcavala introduced from Spain), and tax denotes other duties, either granted, or imposed without grant. Probably it is only meant by this statement to distinguish duties in the nature of excise and customs generally, that is, indirect taxation, or taxes on consumption, from direct taxes; for certainly the alcavala tax, though frequently imposed during the fourteenth and the very early part of the fifteenth century, never became a regular head of French finance; and accordingly we find another use of the term (*aides*) as merely signifying duties on all goods sold within the realm, and levied on their passage either from abroad or to the market, as a transit duty, in contradistinction to the taille.—(Encyclo. i. 192; ii. 245.)

The taille stands in peculiar circumstances, and was on every account the most important of the duties, forming, indeed, a much greater proportion of the revenue than any other. It was the remains of, or substitute for, the *escuage* or *scutage*, which again was the substitute for personal service. It was also probably taken in consideration of such services as escuage did not cover. Hence the nobles, who served in person, and by the men whom they furnished, were not liable to the taille; nor were the ecclesiastics originally, they serving by their sacred functions. Afterwards they came to provide substitutes, and were liable to taille if they were married, being one-half of the amount which they would have paid if laymen. The clergy unmarried and not in any trade were wholly exempt. Exemptions were also enjoyed in right of office, as by the royal household, baillis, and others. The taille received its name from the notched sticks or tallies used in keeping the accounts of it, as they were till of late years in the English Exchequer, and as they still are by some trades, as that of baker in France and in Scotland. It was called also *tolte* (or taking), and, from its abuse, frequently called both in English and French legislative history *male-tolte*. It was either real or personal—more properly mixed—for it was either levied on real property or on persons in respect of their real property; and it was intended to be taken in proportion to the profits made by the cultivation or farming of the property. The fiefs nobles did not pay it in any hands; the fiefs roturiers in some provinces paid it even when in the hands of nobles. Those provinces were Dauphiné, Languedoc, Provence, and Guienne. Fiefs roturiers were, properly speaking, fiefs of subinfeudation, four steps from the grantor, the Prince, or fiefs held by some base tenure unconnected with military service, but to which, as to those from subinfeudation, the taille had come to be extended by abuse. In some places both nobles and clergy paid taille for houses, where other real property was exempted in their hands. As the taille was a property-tax on the peasant or farmer's profits, in assessing him recourse was had to the value of his farm-stock, including implements as well as live stock, and hence he was in-

duced to have as small a stock as he possibly could, and to conceal by every contrivance what he was forced to have. The collection was much more oppressive in the provinces which had no States, but were under officers originally elective, and hence called *élus*, afterwards appointed by the crown. In provinces having States, these collected the taille; in those having none, and also in Bretagne, which was a Pays d'Etats, the officers assessed, and it was done so harshly, that a village whose income did not exceed 4000 livres has been called upon to pay as much as 7000 livres for taille. "If," says a writer on Finance, "an élu can but spy out a rag on a farm, he will make it the ground of a surcharge." There were 80,000 tax-gatherers of all kinds in France about the year 1760, and the taille had then increased to 66,500,000, including 10,000,000 paid by the Pays d'Etats as their *don gratuit* to cover taille. The salaries of these officers were supposed to average 1000 fr. Before the revolution of 1789 the taille had increased to more than double—between 7,000,000 and 8,000,000 sterling. The Ordinance of Orleans, in which it originated so far as it became yearly and perpetual, fixed it at 1,200,000, and Charles VII. never raised it permanently. He only three times levied *crues*, or surcharges, on the ground of the estimate (prisée) having been too low, and that there was a pressing necessity for supplies. Louis XI. raised it to above four millions, and although the States of Tours in 1484, held upon his decease, reduced it, succeeding princes gradually increased it.

The opinion that taille was first laid on by St. Louis in 1218 is wholly erroneous. The Ordinance of Philip-Augustus, called his Testament, in 1190, mentions it by name; but the charter given to Beauvais in 1060 exempts that town from taille in express terms.

The very learned articles in the Encyclopédie on aids and taxes (vols. i. ii. and xv.) by Chev. de Jaucour, and especially those by M. Boucher d'Argis, well deserve to be studied. There is one statement of importance as to the taille which seems to be inaccurate. M. d'Argis says it was first made yearly and perpetual in 1445, and was fixed at 1,800,000. It is possible this may only mean that Charles VII.'s carrying into effect, 1445, the Ordinance

of Orleans, 1439, when the States had granted the taille for the payment of the troops, had the effect of making the taille annual; but it was certainly granted for that service in 1439. It was also only 1,200,000. This we learn from an unquestionable authority. There is no statement of the whole sum in the Ordinance of Orleans, nor are there any particulars preserved of it in the accounts of the States of 1439. But in the important procedings of the States of Tours, held in 1484 by Anne of Beaujeu acting as regent through the Princes on Louis XI.'s death, we find 1,200,000 to be the sum stated as having been granted at Orleans—and the States insist on reducing it to that amount from 4,404,000, which it had been increased to. They are called on to make it 1,500,000, but refuse—granting the additional 300,000 only for two years. This appears in a MS. Latin account of that meeting of the States of Tours by Masselin, of which only an extract is published by Garnier and has been inserted in Col. des Et. Gén. x.

The articles on States-General and Parliaments in the Encyclopédie are by far the fullest and contain the most minute information anywhere to be found, especially respecting Parliaments. M. d'Argis was an eminent lawyer, and held offices in the courts. He was also a legal antiquary of reputation. But he took the precaution, necessary when we consider the complexity of the subject from the various bodies and their different practices as well as history, of consulting fully with all the most experienced of his brethren, judges as well as lawyers and office-bearers, upon the statements which he was preparing.

The student of this subject may be permitted to lament that to its unavoidable difficulties there should be added one wholly unnecessary. It is well known that by an inconceivable absurdity the French year used to begin not with any fixed day, but with the moveable feast of Easter. Therefore when writers give a year without the month, it becomes most difficult to ascertain in which of two years an event happened. Thus M. d'Argis says the taille was made perpetual in 1445. If he had said in February, we should have known it was 1446; if he had said May, we should

have known he meant 1445. If he had said March or April, to ascertain the year, we must have calculated on what day Easter fell at that time. M. Sismondi, in his truly excellent Histoire des Français, makes it a rule always to reduce the dates to the year beginning the 1st of January; and accordingly in his whole thirty volumes the reader is never at a loss on this head.

NOTE LXIX.—p. 341.

The prevailing notion of Henry's gentleness and courtesy is by no means common to English and to French authorities.

Reiffenberg has published (tom. i.) a curious MS. in the Bibliothèque de Bourgogne at Dijon, of which Sauvages in 1562 had given an incorrect publication at Lyons. It is entitled "*Cronickes de Flanders Abbroghies.*" We find in ch. x. some curious particulars:—"Le Roy d'Engleterre (Henry V.) estoit orguellex en toutes riens, et ne daigner estre obeissant au Roy de France; car il estoit assez plus ricces que luy; et le Roy de France ne povit sceuffir l'orguel de luy. Il estoit si riches qu'il avoit tous *avalers* et les *bouciers* avoce luy par son grand aver, et par ce cy endomagoit moult le royaume de France." Sauvages says in a note that these two words (*avalers* and *bouciers*) cannot be found anywhere else, and he conceives they apply to the *costereaux* mentioned in other chronicles. They were sometimes called *retondeurs* and *écorcheurs*. Reiffenberg agrees in this, and holds *avalers*, from avaler, to mean "une engeance dévorante ou plûtot destructive" (p. 60). The *bouciers* went round from country to country, before regular armies were introduced, offering their services.

NOTE LXX.—p. 346.

There were sixty general customs or sets of unwritten law extending over whole provinces and great districts, and not less than three hundred customs peculiar to smaller districts, as lord-

ships, towns, or villages. The province of Auvergne was in the worst situation of any—it had about a hundred customs, so that hardly a spot, not even the smallest village, but had a law of its own; and the places in which the written and unwritten law, or different kinds of unwritten law, prevailed, often lay intersecting each other, so that inextricable confusion was produced. Where there was no *coutumier*, or digest of the customary law, on a dispute arising recourse was had to an *enquête de tourbes*, or inquest of the crowd, who reported what the reputation was as to the custom. The important measure of Charles VII., 1453, was but slowly executed; for the first coutumier published after 1453 was that of Ponthieu, which bears the date of 1495, and the whole collection was only completed in 1609. The course of proceeding in execution of Charles's Ordinance was most admirable. Each province distributed the task of ascertaining and digesting its customs among the judicial functionaries. Their reports were referred to a committee of Notables, who arranged the whole in a code. This was discussed by the States of the province, and the fact ascertained of the articles inserted being part of the ancient customary law, with the aid, if necessary, of *enquêtes de tourbes*. The coutumier for the province was thus drawn up and registered by the Parliament on its approval. The Royal Commissioner, who presided over the meeting of the States in this proceeding, was of course obliged to rely upon the local officers for final revision and composition. In 1667 the *enquêtes de tourbes* were abolished, and if any dispute should arise on an unwritten custom set up by either party, instead of the enquête there was required an *acte de notoriété*, or report of judicial officers upon a requisition from the tribunal.

Louis XI. first entertained the project of reducing the whole mass of customs into one general and uniform law for the realm. But it was reserved for Napoleon to carry this wise and most beneficial design into execution.

NOTE LXXI.—p. 350.

The Rel. de St. Denys, l. xxxiv. ch. 11 and 13, informs us that when the mob broke into the Dauphin's palace, in 1413, they seized many ladies of the court, and hurried them away to prison, although none were put to death; and that when Charles VI., on recovering from one of his attacks, went in state to Nôtre Dame (18th of May), the leader of the mob, Jean de Troyes, chief of the party of Butchers, with the Prévôt des Marchands and others of the mob-leaders, made the unhappy Prince put on the chaperon blanc, the badge of the party of the Butchers. They made the principal courtiers and the rector of the University of Paris do the same.

NOTE LXXII.—p. 330.

Philip II. (Augustus) chiefly, and, after him and in part, his son Louis VIII., may be regarded as the founders of the monarchy, at least of the feudal monarchy, of France. It is fit, therefore, that in tracing the subject of the Regency we begin with them. It had been usual for the Kings from the earliest times to associate their successors with them in the government, by having them crowned during their own lifetime, in order to obtain an additional security for their succession. Thus Charlemagne had his two infant sons (one of them three years old) crowned Kings of Italy and Aquitaine in 781. But no provision had ever been made for a Regency in the event of the succession devolving upon a person incapable of governing from infancy or disease. Philip's father, Louis VII., had followed the course of crowning his son, but in consequence of his increasing infirmities he had also abandoned the government to him at his coronation; and Philip, though only fourteen years of age, governed in his stead during the few months that he survived (1179). Philip did not take the same precaution to secure his son Louis's succession, probably because from his early marriage the latter had grown to man's estate while he was himself in the vigour

of his years. At his decease Louis was thirty-six, and succeeded without opposition.

In 1226 he made provision for a Regency in case of his successor's minority; that Prince, afterwards Louis IX. (St. Louis), was only in his twelfth year at the death of his father, who made his prelates and barons swear to have him crowned, and appointed the Queen-mother, Blanche of Castille, his guardian. By her judicious conduct, with her son's entire concurrence, she exercised all the powers of Regent without ever taking the name, and was supported by the baronage against the attempts of the King's uncle to obtain possession of his person and authority. She continued in fact Regent until Louis was twenty-one, and even after that period during her whole life exercised almost as much power as if he had continued under age.

When he set out on his last crusade (1270) he appointed two of his grandees, a prelate and a baron, to govern in his absence. He died a few months after, and Philip III. (le Hardi), his son and successor, being in a dangerous state of health at his accession, gave the Regency and Guardianship of his son to his brother, the Count d'Alençon, having however previously confirmed in their authority the two Regents appointed by his father, who were thus to continue in their office during his life, as long as he remained abroad.

His son Philip IV. (the Fair), on his marriage in 1316, took the title of King, with the entire assent of his father, who died a few months after.

Louis X. (Hutin) died in 1316, leaving two brothers of full age, but his wife was with child. Philip, the elder brother, assembled (says Gul. de Nang.) "parliamentum procerum et militum regni," who determined that he should be Regent until the Queen's confinement and birth of a son, and then until the son's eighteenth year. Some authorities make it twenty-four, at that time supposed to be the age of majority in the King's case. Philip took the title of *Regens Regni*, which has ever since been used. The Queen had a son, John II. (le Posthume), who lived only a few days, and Philip became King, to the exclusion of his

niece, then a child under six years of age. The grounds of this exclusion were sought in the Salic law by a gross perversion, indeed it may be said a fraud. *First*, that law is wholly silent on royal succession, and indeed contains no provision whatever of a constitutional kind. It only declares that Salic land, the land near the house, shall go to males and not females, in contradistinction to the other land, at that time occupied in common. *Secondly*, the Salic law was not the general law of the Franks, some living under the Ripuarian, some under the Burgundian law; and it is certain that in all other countries females as well as males succeeded to the crown. *Thirdly*, there had in France been no instance, no precedent, to justify the exception thus made to the general law of Europe; for no case had ever occurred of the heir apparent being a female on the decease of the King. But Philip had many advantages to aid his usurpation. The tender age of his niece, her being without protectors or partisans, his own position as having for some months before his brother's death administered the government, and his opportunity of thus taking possession by the forces under his control, all concurred to facilitate the enterprise; and he obtained, after his coronation, the assent of the States, that is, a meeting of the northern prelates, nobles, and burgesses of Paris, there being none from the south. The Princes, the Royaux as they were called, gave a half-consent, as did the University of Paris, though it refused to swear allegiance. This proceeding fixed the law of the monarchy, which has never since been disputed. But no exclusion was ever even propounded of females from the Regency; and nothing can more clearly show the absurdity of their exclusion from the throne.

Charles IV. died in 1328, leaving no son, but his widow with child. The barons again assembled, and chose Philip (de Valois), great grandson of St. Louis and the heir presumptive, as Regent, who, on the Queen having a daughter, succeeded to the crown.

His son John, succeeding in 1350, was taken six years after at the battle of Poictiers. His son Charles was under age, then understood to be twenty-one. He convoked the States, who

separated without coming to any resolution. He again assembled them in 1357, and after a tumultuous meeting they extorted from him an Ordonnance appointing a Council of thirty-six, being twelve from each of the three orders. This was on the 6th of March; but on the 18th he had attained majority, and assumed the entire Regency, "as heir apparent, and by the advice of the prelates, barons, and commons." He did not ask their consent, but only their recognition. It is, however, to be observed that at the great States of Tours, in 1484, the proceedings of 1351 were referred to as showing that the States had then conferred the Regency upon the Dauphin. In 1360 John came back, and the Regency ceased. But on his return to England, where he died 1364, the Dauphin again became Regent. The arrangements on Louis X.'s death (1316), and on Charles IV.'s (1328), made no distinction between the Regency and the Guardianship.

In 1374 Charles V.'s son was only six years old, and the King made an Ordonnance fixing the age of majority at fourteen, that is on the King entering his fourteenth year, instead of twenty-one, and appointed the Queen-Mother only Regent, the Dukes of Burgundy and Bourbon guardians with her. He died in 1380, Charles, his son, being only twelve. The Queen-Mother had died in 1377. Burgundy and Bourbon assumed the Guardianship, Anjou the Regency, but claiming both. Berri claimed with his brother Burgundy. No regard whatever was paid to Charles V.'s Ordonnance, which some considered as only a project, a plan never completed. There prevails indeed some doubt as to the tenor of this Ordonnance. Dupuy and Secousse, both professing to take it from the same source, the *Trésors de Chartes*, give it very differently. Dupuy gives it as we have done; Secousse makes no mention of the government, only of the guardianship, which would seem to show that the Regency in Dupuy was an interpolation. The disputants agreed to refer their claims to arbitration, and the award, sanctioned and registered by the Parliament, 2nd of October, 1380, directed that Charles, though only twelve years of age, should be immediately crowned; that till then Anjou should be Regent; and that then Anjou should

govern in his name, with the advice of his four uncles. He was crowned 3rd of November, and the four princes signed an act that Anjou should be Regent, but do no "*grosses et pesantes besognes*" without the consent of a council of twelve, of which he should be president, "*selon son degré d'aînesse.*" The guardianship was to be in Burgundy and Bourbon, but all offices about his person to be filled with the consent of Anjou and Berri. This instrument, as well as the award, was registered.

In 1393 Charles VI. made two Ordonnances, one giving to his brother Orleans the Regency in case he should die before his son was of age; the other giving the Guardianship to the Queen-mother, along with his paternal uncles Burgundy and Berri, his maternal uncle Bourbon, and the Duke of Bavaria, his wife's brother, and appointing each in succession Guardian in the event of the Queen-mother's decease or marriage. The Ordonnances of 1403 and 1407 are mentioned in the text, as is the Dauphin's (Charles VII.) proceeding on his father's death. His proclamation says,—"Connu assez qu'il a plû à Dieu nous laisser seul fils de Monseigneur, son vraie héritier et successeur de sa couronne, et par ce ayons pris comme il nous appartenoit et appartient, et à nul autre, attendû les notoires exoines et empêchemens de mon dit Seigneur, la régence et administration du Royaume."

Louis XI. died in 1483, his son Charles VIII. being thirteen years and two months old. He was therefore, by the Ordonnance of 1374, of age, and there ought to have been no Regency; still less by the more authoritative law of 1407, declaring the majority of the King at any age. But Louis wholly disregarded both the one and the other, and appointed his eldest daughter, Anne, wife of Pierre de Bourbon-Beaujeu (who was in her twenty-third year), to administer the government, having first exacted an oath from his son Charles, and his son-in-law d'Orléans, that they would submit to her. D'Orléans, however, disputed her title, and the States-General, in their great meeting at Tours, 1484, after long and violent debates, determined that she and her husband should remain about the King's person, and that he should conduct the

government, but with the advice of the Council, which was to be composed of the princes of the blood, with twelve members of the States, chosen by the King and those princes. It was urged in the debate, by the d'Orléans party, that the Regency and Guardianship were matters, from the nature of monarchical government, wholly beyond the cognizance of the States, who could only make representation of grievances and discuss the imposition of taxes; while others, with the concurrence of the Bourbon or Beaujeu party, asserted the right of the States to the fullest extent, and some even denied that the constitution recognised any such body as princes of the blood.

These frequent appeals to the States on the subjects of Succession and Regency in times of difficulty, owing to the suspension of the royal authority, are remarkable, and illustrate the proposition that in all periods of the French history the popular element existed in the government.

The valuable paper of M. Oudart de Brequigny, *Recherches sur les Régences en France* (*Acad. des Inscr.* L. 520), deserves to be consulted on this subject, because it brings together all the facts, but it gives nothing beyond a summary of them. It begins with the death of Louis X. (Hutin) in 1316; it is therefore deficient as to the preceding history; and it gives an imperfect, indeed an inaccurate, account of the proceedings in 1484, probably from Masselin's full account of that meeting not having then been published. An extract of it, taken from Garnier's publication, is given in Col. des Et. Gén. X.

Note LXXIII.—p. 350.

The references in this book are to the quarto edition of Monstrelet, in three volumes, Paris, 1512, Petit and Michel. The first volume is divided into chapters, the second and third are not, but must be cited by the folio. The third begins with the year 1445, and, consequently, according to M. Dacier, is not Monstrelet's; for he proves pretty clearly that, beside deducting the last thirteen

years from 1453, when Monstrelet died, the nine preceding years cannot be by him. This, therefore, would confine his work to the first two volumes (Mém. Ac. d'Inscriptions, xliii. p. 535).

Johnes's translation is from another edition, possibly the folio one, and is divided into volumes and chapters of each volume. The quarto edition here referred to has 268 chapters in vol. I. By a mistake Chapter 113 succeeds Chapter 111; and therefore Chapter 116, instead of 115, answers to Chapter 115, Vol. I. of Johnes. Making this correction, the reader can easily refer from the chapters cited here to those in Johnes. There are very few references to the second volume of the quarto edition.—The references to Froissart are to the quarto edition, of which the first and second volumes, printed by Regnault, have no date; the third and fourth, by Verendaux, have the date 1518. The whole four are without chapters, and only referred to by the folio.

It is much to be lamented by the inquirers into the history of Charles VI. and Charles VII., that there should be so few papers on this period of French history to be found in that invaluable repository of antiquarian learning, the 'Mém. de l'Académie des Inscriptions;' but some there are of considerable interest. M. Bonamy's two Mémoires in tom. xx. throw great light on the history and treatment of Jacques Cœur. M. Oudart de Brequigny's 'Recherches sur les Régences en France' (tom. li. 520) has already been referred to (Note LXXII.). The memoir of M. Boivin (Sur la Bibliothèque du Louvre) has also been already referred to (Note LXI.).

Two memoirs, 'Sur la Noblesse Française,' by M. Desormeaux (tom. xlvi. 632 et 657), deserve to be consulted, as does M. Sibert's 'Sur les Cours Plénières' (tom. xli. 583).

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